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LAWS

RELATING TO THE

COMMON SCHOOLS OF KANSAS,

INCLUDING OFFICIAL OPINIONS AND SUGGESTIONS TO SCHOOL OFFICERS.

COMPILED UNDER DIRECTION OF
E. T. FAIRCHILD,
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

1911.

STATE PRINTING OFFICE,
TOPEKA, 1911.
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MALICIOUS DESTRUCTION OF PROPERTY.

[2837.] Any person who shall wilfully and maliciously destroy, deface, remove or injure the property of another, public or private, shall, on conviction, be deemed guilty of a misdemeanor, and punished by a fine not less than $5 nor more than $500, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment. (Laws 1886, ch. 104, sec. 1.)

UNIV. OF
CALIFORNIA

To County and City Superintendents and School Officers:

I furnish you herewith a copy of the school laws of Kansas revised to date.

The official opinions and suggestions, I trust, will be helpful to you in the discharge of your official duties.

E. T. FAIRCHILD,
State Superintendent of Public Instruction.

JUNE 1, 1911.

224795

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EDUCATIONAL PROVISIONS OF THE ORGANIC ACT.

[69.][1] SECTION 34. *And be it further enacted,* That when the lands in the said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered 16 and 36 in each township in said territory shall be and the same are hereby reserved for the purpose of being applied to schools in said territory and in the states and territories hereafter to be erected out of the same.

Approved May 30, 1854.

EDUCATIONAL PROVISIONS OF THE STATE CONSTITUTION.

ARTICLE II.

[141.] SECTION 23. The legislature, in providing for the formation and regulation of schools, shall make no distinction between the rights of males and females.

ARTICLE VI.

[177.] SECTION 1. The state superintendent of public instruction shall have the general supervision of the common-school funds and educational interests of the state, and perform such other duties as may be prescribed by law. A superintendent of public instruction shall be elected in each county, whose term of office shall be two years, and whose duty and compensation shall be prescribed by law.

[178.] SEC. 2. The legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools and schools of higher grade, embracing normal, preparatory, collegiate and university departments.

[179.] SEC. 3. The proceeds of all lands that have been or may be granted by the United States to the state for the support of schools, and the 500,000 acres of land[2] granted to the new states under an act of Congress distributing the proceeds of public lands among the several states of the Union, approved September 4, A. D. 1841, and all estates of persons

1. See note at top of page 9.

2. This money was never in the school fund.

dying without heir or will, and such per cent as may be granted by Congress on the sale of lands in this state, shall be the common property of the state, and shall be a perpetual school fund, which shall not be diminished, but the interest of which, together with all the rents of the lands, and such other means as the legislature may provide by tax or otherwise, shall be inviolably appropriated to the support of common schools.

[180.] SEC. 4. The income of the state school funds shall be disbursed annually, by order of the state superintendent, to the several county treasurers, and thence to the treasurers of the several school districts, in equitable proportion to the number of children and youth resident therein, between the ages of five and twenty-one years; provided, that no school district in which a common school has not been maintained at least three months in each year shall be entitled to receive any portion of such funds.

[181.] SEC. 5. The school-lands shall not be sold unless such sale shall be authorized by a vote of the people at a general election; but, subject to revaluation every five years, they may be leased for any number of years not exceeding twenty-five, at a rate established by law.

[182.] SEC. 6. All money which shall be paid by persons as an equivalent for exemption from military duty; the clear proceeds of estrays, ownership of which shall vest in the taker-up, and the proceeds of fines for any breach of the penal laws, shall be exclusively applied in the several counties in which the money is paid or fines collected, to the support of common schools.

[183.] SEC. 7. Provisions shall be made by law for the establishment, at some eligible and central point, of a State University, for the promotion of literature and the arts and sciences, including a normal and agricultural department. All funds arising from the sale of lands granted by the United States to the state for the support of a State University, and all other grants, donations, or bequests, either by the state or by individuals, for such purpose, shall remain a perpetual fund, to be called the "University fund," the interest of which shall be appropriated to the support of the State University.

[184.] SEC. 8. No religious sect or sects shall ever control any part of the common-school or University funds of the state.

[185.] SEC. 9. The state superintendent of public instruction, secretary of state and attorney-general shall constitute a board of commissioners for the management and investment of the school funds. Any two of said commissioners shall be a quorum.

(Constitution ratified by the people October 4, 1859.)

EDUCATIONAL PROVISIONS OF THE ACT OF ADMISSION.

[264.] SECTION 3. . . . *First:* That sections numbered 16 and 36, in every township of public lands in said state, and where either of said sections or any part thereof has been sold or otherwise been disposed of, other lands, equivalent thereto and as contiguous as may be, shall be granted to said state for the use of schools.

Second: That seventy-two sections of land shall be set apart and reserved for the use and support of a State University, to be selected by the governor of said state, subject to the approval of the commissioner of the general land-office, and to be appropriated and applied in such manner as the legislature of said state may prescribe for the purpose aforesaid, but for no other purpose.

Approved January 29, 1861.

UNIV. OF CALIFORNIA

LAWS RELATING TO THE COMMON SCHOOLS OF KANSAS.

NOTE.—The figures enclosed in brackets, thus [6331], refer to the paragraph numbers in the General Statutes of 1909; the section numbers, beginning on this page, are in consecutive order, as a simple reference to the School Laws of 1911. For example: If it is desired to quote a section of the law, reference should be stated thus: "Section —, School Laws of 1911; paragraph —, General Statutes of 1909."

Official opinions will be found in the notes at the bottom of the pages.

CHAPTER I.—BONDS.

ARTICLE I.—SCHOOL-DISTRICT BONDS.

§1. Purposes for which district bonds may be issued, and restrictions concerning the same.
2. Bond elections; notices of, and how conducted.
3. Denominations, rates of interest, and disposal of bonds.
4. Limitations modified.
5. Authority of school-fund commissioners.
6. Application to vote additional bonds.
7. Hearing of application.
8. Bonds must be registered.
9. Sinking-fund, how provided and invested.
10. Interest credited to sinking-fund.
11. Sinking-fund invested in bonds.
12. Penalty for issuing bonds without authority, and for misappropriation of the proceeds.
§13. Final disposition of paid bonds and coupons.
14, 15. Bonds belonging to the state permanent school fund may be paid or refunded before maturity.
16. Payment of bonds belonging to the state permanent school fund to be made to the state treasurer.
17. State treasurer to inform county and city treasurer of bonds belonging to state permanent school fund.
18. Remittance of funds to state treasurer.
19. Bonds to be canceled by state treasurer.
20. Penalty for city and county treasurers refusing to act.

SECTION 1. *School-district Bonds.* [7631.] That for the purpose of erecting or purchasing one or more schoolhouses in and for any school district in the state of Kansas, the board of directors of the same shall have power to issue the bonds of the district in an amount not to exceed one and one-half per cent of its taxable property, as shown in the last assessment thereof;[3] provided, that this limitation shall not apply to bonds heretofore legally voted. And for the purpose of extending the time of payment of the bonded indebtedness of any school district, the board of directors of the same shall have power to issue the bonds of the district in a sum not to exceed in amount its outstanding bonded indebtedness; provided, that no such bonds shall be issued until at an election[4] called for that purpose the question shall have been submitted

3. Bonds issued to pay indebtedness already contracted are illegal. School-district bonds cannot be issued except for the purpose of erecting or purchasing one or more schoolhouses. An addition to a schoolhouse is included in the term "erecting or purchasing one or more schoolhouses," and bonds may be voted legally for this purpose.

4. The Australian ballot law does not apply to school-bond elections.

to the qualified electors of the district, and a majority of all the qualified electors voting on the proposition shall have declared by their ballots in favor of issuing of the same; and provided further, that no such election shall be ordered unless a petition, stating the purpose for which the bonds are to be issued, and signed by at least one-third of the qualified electors of said district, shall have been presented to the district board praying that a vote be taken for the issuing of such amount of bonds as may be asked for therein; and provided further, that it shall be unlawful for any school district to create any bonded indebtedness unless there are at least fifteen persons between the ages of five and twenty-one years actually residing within the limits thereof, as shown by a sworn census return, taken by the direction of the board of directors of such school district.[5] (Laws 1909, ch. 62, sec. 4.)

SEC. 2. *Election.* [7632.] Whenever such a petition, so signed, shall be presented to the board of directors of any school district, praying that a vote be taken on the question of issuing the bonds of the said district, it shall be the duty of the district board immediately to order an election for the purpose of determining the question of the issuing of bonds as prayed for, and forthwith to give notice, by posting written or printed notices, signed by the clerk, in five of the most public places in the district, which notices shall be posted up at least ten days[6] before such election, and shall state therein the object for which the election was called and the manner in which the question shall be voted upon.[7] That said election shall be conducted in all respects as are general elections under the laws of the state, except that females of the age of twenty-

5. *Build Schoolhouse.* School districts having less than fifteen children of school age within their limits are, by the terms of the law providing for the issuance of school-district bonds, prohibited and debarred from raising funds for the building or purchase of schoolhouses by the issuance of school-district bonds. Such school districts can provide funds for the building of schoolhouses by issuing school-district warrants, to the extent and within the limitation of section 7407, General Statutes of 1909 (section 487 of this book), but not otherwise. It is within the power of school districts, under said section, to vote a tax annually, not exceeding two and one-half per cent on the taxable property in the district, for school purposes, and to distribute such portion of the amount of such tax as the school meeting shall deem proper for the purpose of building, hiring or purchasing a schoolhouse for the district. Beyond this the district cannot go. School warrants for building schoolhouses cannot be issued in excess of the amount authorized by law, upon the expectation that in subsequent years the school district will provide funds for the payment of the same by taxation.

6. Ten days should intervene between the date of posting the election notices and the day of the election, *without counting either of the two dates.*

7. The utmost care should be had in complying with the law in every detail; otherwise the bonds may be invalid or their sale affected by their unfavorable history.

one years shall be entitled to vote at all such elections, subject only to the exceptions applied to males; and the returns of the election shall be the same, except that they shall be made to the district board. (Laws 1879, ch. 49, sec. 2.)

SEC. 3. *Issuance.* [7633.] The bonds herein provided for shall be issued in denominations of not less than $100 nor more than $500 each;[8] they shall bear interest at a rate not to exceed six per cent per annum, payable semiannually on the 1st days of January and July of each year, at such place as shall be designated in the bonds, the principal of the bonds being made payable within fifteen years from their date. These bonds shall specify on their face the date of issue, amount, for what purpose and to whom issued, the time they run, the rate and times of payment of interest, and shall have coupons attached for the interest as it becomes due, said coupons being so arranged that the last one shall fall due at the time of the maturity of the bond. Said bonds and the coupons thereto attached shall be signed by the director and countersigned by the clerk, and after registration by the county clerk shall be negotiable and transferable by delivery, and may be disposed of by the district board at not less than ninety-five cents on the dollar, and the proceeds of the same applied as provided for in the petition at which issuance of the bonds was authorized. (Laws 1879, ch. 49, sec. 3.)

SEC. 4. *Limitations Modified.* [Laws 1911, ch. 257, sec. 1.] The limitations placed by the statutes upon the voting of bonds in cities and school districts for the purpose of erecting school buildings may be modified as in this act provided.

SEC. 5. *Authority of School-fund Commissioners.* [Laws 1911, ch. 257, sec. 2.] The Board of School-fund Commissioners of the state of Kansas is hereby authorized and empowered to make an order authorizing any city or school district to vote bonds for the purpose of erecting school buildings to an amount of not more than fifty per cent in excess of, and in addition to, the amount of bonds that may be voted under laws now in force.

SEC. 6. *Application to Vote Additional Bonds.* [Laws 1911, ch. 257, sec. 3.] The power of the said Board of School-fund Commissioners herein may be invoked by the filing with it of an application by the board of education of a city or by the school-district board of a school district that the permission of the said Board of School-fund Commissioners be given for the voting and issuance of additional bonds as provided in the preceding section. The said application shall be accompanied by a petition to the board of education or the school-district board, signed by not less than one-half of the number of elec-

8. Bonds should be issued in denominations of $100, $200, and $500, to conform to the printed bonds furnished by the School-fund Commissioners to districts.

tors who may be entitled to vote for an issuance of bonds under the laws in force at the time of the taking effect of this act, requesting that an application as hereinbefore provided shall be filed with the said Board of School-fund Commissioners. Notice of the intention to file such application shall be given to the electors by a publication in the official county paper, in form to be prescribed by the said Board of School-fund Commissioners; and the said board shall also prescribe all rules and regulations which may be found necessary to properly carry out the provisions of this act, including rules in relation to the evidence required in support of the application and the method of furnishing such evidence.

SEC. 7. *Hearing of Application.* [Laws 1911, ch. 257, sec. 4.] The said application shall be heard by the Board of School-fund Commissioners upon a day fixed, and the board of education or school-district board be so notified; and which hearing shall be at the county seat of the county whence the application comes; and the said board shall make an order either granting or denying said application; and if the order made shall grant the application and call for an election to vote upon the question of issuing said increased amount of bonds, the election so called shall be held in all respects as is provided by laws in operation at the time of the taking effect of this act, and any bonds so voted and issued pursuant to such election shall be in all respects legal and valid bonds of the city or school district which votes and issues them.

SEC. 8. *Registration.* [7634.] Before delivering any school-district bonds, the board of directors of the district issuing the same shall cause them to be registered with the clerk of the county in which the said district is located. And it shall be the duty of the county clerk, on presentation of any school bonds for registry, to register the same in a book prepared for that purpose, which register shall contain (1) the number of the district; (2) the number of the bond; (3) date of bond; (4) to whom payable; (5) when [where] payable; (6) when due; (7) when interest is due; (8) amount of bond. The county clerk shall furnish one copy of his register to the county treasurer, and forward one copy to the state superintendent, together with a statement showing, (1) the number of sections of land in the district issuing such bonds; (2) the number of acres of land assessed and subject to taxation in said district; (3) the assessed valuation of taxable lands; (4) the assessed valuation of all personal property in such district; which statement shall be signed by each member of the school board issuing the bonds, and the county clerk shall certify under the official seal of his office to the correctness of the statement and the genuineness of the signatures attached thereto. (Laws 1879, ch. 49, sec. 4.)

SEC. 9. *Interest and Sinking-fund.* [7635.] It shall be

the duty of the board of county commissioners of each county to levy, annually, upon all the taxable property in each district in such county, a tax sufficient to pay the interest accruing upon any bonds issued by such district, and to provide a sinking-fund for the final redemption of the bonds, such levy to be made with the annual levy of the county and the taxes collected with the other taxes, and when collected shall be and remain in the hands of the county treasurer, a specific fund for the payment of the interest upon such bonds, and for their final payment at maturity;[9] provided, that moneys in the hands of the county treasurer belonging to the sinking-fund of the several school districts in such county shall be invested by the county treasurer, (1) in the bonds of the district to which said sinking-fund belongs, provided such bonds can be purchased at a price not exceeding their market or par value; (2) in the bonds of other school districts of this state maturing before the bonds for which such fund is raised, provided the same can be purchased at a price not exceeding their market or par value; (3) in the bonds of the state of Kansas, or of the United States. (Laws 1879, ch. 49, sec. 5.)

SEC. 10. *Interest Credited to Sinking-fund.* [Laws 1911, ch. 288, sec. 1.] That whenever any city, township or school district sinking-fund shall amount to $500 and shall have been in the hands of the county treasurer for the period of one year, it shall be the duty of such treasurer, and he is hereby required, to credit any such sinking-fund with its proportional share of the interest thereafter accruing from the deposit by such treasurer of the public moneys in banks as provided by law, and thereafter such interest shall belong to and be a part of such sinking-fund, and the same shall no longer belong to the county.

SEC. 11. *Sinking-fund Invested in Bonds.* [Laws 1911, ch. 287, sec. 1.] That the proper officers having charge and control of any moneys which have been or may hereafter be levied and collected as a sinking-fund [9] to redeem the outstanding bonds of any county, township, city or school district, may invest such sinking-fund by purchasing the bonds of any county, township, city or school district within the state of Kansas, subject to the following conditions: First, no such bonds shall be purchased unless the same shall be accompanied by a certificate of the attorney-general of the state of Kansas, in accordance with section [illegible] of chapter 110 of the General Statutes of 1909 of the state of Kansas, showing such bonds to be acceptable as security for deposits of state funds under the state depository law. Second, no such bonds shall be purchased under this act which shall not mature and become due at or prior to the time fixed for the payment of the bonds for which

9. Sinking-fund cannot legally be used in payment of any other obligation than that for which it was levied.

such sinking-fund was created. Third, no sinking-fund shall be invested under this act in the bonds of any county, township, city or school district where the bonded and floating indebtedness thereof shall exceed five per cent of its total assessed valuation as shown by the last assessment preceding such investment. Fourth, any officer or officers investing sinking-funds under this act shall be authorized to pay such premium as may be necessary to secure the bonds desired in the open market; provided, that no premium shall be paid for any bonds purchased under this act which shall have the effect of reducing the annual income from such investment to less than three per cent.

SEC. 12. *Penalty for Issuing Illegally.* [7636.] If any school-district officer, whose duty it is under the provisions of this act to issue or assist in any manner in the issuance of the bonds of any school district, shall prepare, sign or deliver, or aid, counsel or assist in preparing, signing or delivering, or shall cause to be prepared, signed, or delivered, any bond or bonds of any school district, at any time before such bond or bonds are authorized by this act to be prepared, signed or delivered, such officer shall be guilty of a felony, and upon conviction shall be fined in a sum of not less than $500 nor more than $5000, or by imprisonment in the penitentiary for not less than one year and not longer than five years, or by both such fine and imprisonment. And if the board of directors of any school district, or any member thereof, shall use or dispose of any school-district bonds, or the money accruing from the sale of such bonds, in any other manner or for any other purpose than that for which the same was created or intended, he or they shall be liable to be punished by fine in any sum not less than $1000, by information or indictment in any court of competent jurisdiction, or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment. (Laws 1879, ch. 49, sec. 6.)

SEC. 13. *Final Disposition.* [7637.] On the payment of the bonds or coupons of any school district, the county treasurer shall immediately cancel the same, and indorse thereon the date of payment; and at the time of his settlements with the several school-district treasurers of his county he shall deliver to each the canceled bonds and coupons of his district, and take a receipt therefor, and such canceled bonds and coupons shall be destroyed by the district treasurer in the presence of all the officers of the district, a complete record of their destruction being made by the district clerk. On the last Saturday of July of each year, each and every county treasurer shall make to the clerk of his county a detailed report of all the bonds and coupons canceled during the year, and the date of payment of the same, accompanied by the receipts given by district treasurers therefor; and the county

clerk shall immediately thereafter cancel the registry of all such bonds and coupons by indorsing thereon the date of payment of each. (Laws 1879, ch. 49, sec. 7.)

NOTE.—All school bonds must first be offered to the School-fund Commission, and the commission has the option to purchase same at not more than par. See section 518 of this book.

SEC. 14. *Payment before Maturity.* [7716.] If at any time any board of education, school district, township, county or city of any class shall have accumulated in the treasury sinking-fund sufficient to pay in full any bond or bonds issued by such board of education, school district, township, county or city of any class before the maturity, the state permanent school fund, State Normal School fund, or the University permanent school fund, or Agricultural College endowment fund being the holders thereof, such board of education, school district, township, county or city of any class may pay the same to the state treasurer at the time any interest coupon is due, and take up such bond or bonds, and the state treasurer is hereby authorized to receive the same and cancel such bond or bonds and the unmatured coupons attached thereto, and deliver the same so canceled to the officer paying the amount; provided, that the state treasurer, before delivering said bond or bonds, shall present the same to the auditor of the state, together with a statement showing the amount of coupons upon which no moneys have been received, and upon examining such statement, and comparing with the coupons attached to such bond or bonds, the auditor shall credit the treasurer with the amounts shown to be canceled before maturity. (Laws 1905, ch. 382, sec. 1.)

SEC. 15. *Payment before Maturity—Additional Provisions.* [605.] Whenever any county, city, township or school district in this state shall owe any outstanding and unmatured bonds, and at the same time shall have in its treasury any sinking-funds raised to pay such bonds, the proper officers of such county, city, township or school district may use such funds to purchase or pay any of such bonds and cancel the same, whenever they can be so purchased or paid at or below par, or at such reasonable price above par as may be requested by a majority of the resident taxpayers of such county, city, township, or school district, and which request may be made by a written petition to that effect, directed to such officers. (Laws 1905, ch. 72, sec. 1.)

SEC. 16. *Payable at State Treasury.* [622.] From and after the taking effect of this act all bonds issued by the state, or any county, township, municipality, or school district, and the interest coupons thereon, shall be made payable at the office of the state treasurer, in the city of Topeka, in the state of Kansas. (Laws 1908, ch. 58, sec. 2.)

SEC. 17. *State Treasurer.* [7705.] At least thirty days before the maturity of any bonds or coupons belonging to the

permanent school fund or sinking-fund, it shall be the duty of the state treasurer to furnish a detailed statement to each county or city treasurer, or the treasurer of any board of education, of the amount due from them respectively, describing in such statement the number of the district or the name of the city, the amount of interest due, and the amount of principal due, if any. (Laws 1877, ch. 174, sec. 2.)

SEC. 18. *County and City Treasurers.* [7706.] It shall be the duty of each county and city treasurer, and the treasurers of boards of education, to remit to the state treasurer, at least ten days before the maturity of any bonds or coupons, all moneys collected by them for the redemption of such bonds and coupons, and all express charges and postage shall be a proper charge against such city or school district and shall be allowed to such treasurer on settlement. (Laws 1877, ch. 174, sec. 3.)

SEC. 19. *Cancellation.* [7707.] On receipt of any funds by the state treasurer, he shall immediately cancel all coupons or bonds for which funds are remitted, and return such coupons or bonds to the office of the treasurer remitting the same. (Laws 1877, ch. 174, sec. 4.)

SEC. 20. *Penalty.* [7708.] Any county or city treasurer, or treasurer of any board of education, who shall neglect or refuse to perform the duties required of him by this act, shall be liable to the state in a sum equal to double the amount of such bonds or coupons remaining unpaid by reason of such neglect or refusal, which may be recovered in a suit at law against such treasurer and his bondsmen; and it is hereby made the duty of the county attorney of the proper county, upon the request of the attorney-general, to prosecute all such suits. (Laws 1877, ch. 174, sec. 5.)

ARTICLE II.—REFUNDING BONDS.

§21. Bonded indebtedness may be refunded.
22. Bonds shall be signed by whom.
23. Bonds issued, how and when.
24. Bonds issued for payment of outstanding warrants.
25. Bonds shall be registered.
26. Indebtedness shall not be increased, when.
27. Annual levy for interest and sinking-fund.
28. County treasurer may make levy, when.
29. Sinking-fund, when and how created.
§30. Coupons shall be promptly paid and destroyed.
31. Penalty for wrongful use of money.
32. Coupons when due shall be receivable for taxes by corporation issuing.
33. Merged districts may refund bonds.
34. Form of bonds.
35. Commissioners to levy.
36. Suits against merged districts.
37. May take up merged-district bonds.
38. Law governing such indebtedness.
39. Payment and refunding of bonds; disorganized districts.

SECTION 21. *Bonded Indebtedness may be Refunded.* [Laws 1911, ch. 67, sec. 1.] That section 588 of the General Statutes of Kansas of 1909 be and the said section is hereby amended to read as follows: Sec. 588. Every county, every city of the first, second or third class, the board of education of any city, every township and every school district is hereby authorized and empowered to compromise and refund its

bonded indebtedness, including coupons and judgments thereon, upon such terms as can be agreed upon, and to issue new bonds with semiannual interest coupons attached in payment for any sums so compromised; which bonds shall be sold at not less than par, shall not be for a longer period than thirty years, shall not exceed in amount the actual amount of outstanding indebtedness, inclusive of attached coupons, and shall not draw a greater interest than six per cent per annum. No indebtedness of any kind shall be funded or refunded under the provisions of this act except bonded indebtedness actually existing at the time of the passage of this act or hereafter legally created; and nothing herein contained shall be construed to validate or invalidate any existing bonded indebtedness; provided, that whenever any of the property of any city of the first class having a population of 40,000 and over is subject to an indebtedness consisting of mortgage bonds, and such city of the first class has paid in cash more than fifty per cent of the purchase price of such property, then such mortgage bonds shall be deemed to be bonded indebtedness of such city within the meaning of this act.

NOTE.—Maturing interest coupons may be included, but unearned interest coupons should not be included. See Kelly v. Cole, 63 Kan. 386.

SEC. 22. *Bonds Shall be Signed by Whom.* [589.] Bonds issued under this act by any county shall be signed by the chairman of the board of county commissioners, and attested by the county clerk, under the seal of the county. Bonds issued by any city shall be signed by the mayor, and attested by the city clerk, under the seal of the city. Bonds issued by any township shall be signed by the trustee, attested by the township clerk, and countersigned by the township treasurer. Bonds issued by the board of education of any city shall be signed by the president, and attested by the clerk of the board, under the seal of such board. Bonds issued by any school district shall be signed by the director, attested by the clerk, and countersigned by the treasurer of the school-district board, and the coupons shall be signed by the mayor, president, director, trustee, or chairman of the board of county commissioners, and the clerks respectively. Such bonds may be in any denominations, from $100 to $1000, and made payable at such place as may be designated upon the face thereof, and they shall contain a recital that they are issued under this act. (Laws 1879, ch. 50, sec. 2.)

SEC. 23. *How Issued and When.* [590.] When a compromise has been agreed upon, it shall be the duty of the proper officers to issue such bonds at the rate agreed upon to the holder of such indebtedness, in the manner prescribed in this act; but no bonds shall be issued under this act until the proper evidence of the indebtedness for which the same are to be issued shall be delivered up for cancelation; provided, that no bonded in-

debtedness shall be refunded by the board of county commissioners, or any mayor and city council, or any board of trustees of any township, or any school-district board, or board of education, under this act, except such as have been issued and outstanding at least two years at the time of such refunding; and provided further, that except for the refunding of outstanding debt, including outstanding bonds and matured coupons thereof, or judgment thereon, no bonds of any class or description shall hereafter be issued where the total bonded indebtedness of such county or township would thereby exceed one per cent[10] of the assessment for taxation, as shown by the last finding and determination by the proper board of equalization, or of such city, school district or board of education exceed one and one-fifth per cent of such assessment; but this restriction shall not apply to cities of the first class. (Laws 1909, ch. 62, sec. 2.)

SEC. 24. *Bonds Issued for Payment of Outstanding Warrants.* [Laws 1911, ch. 264, sec. 1.] That all school districts in the state of Kansas prior to the passage of this act having outstanding warrants representing valid indebtedness of the district be and they are hereby empowered and authorized, by and through their duly elected, constituted and appointed boards of directors, or duly elected, qualified and acting boards of education, to compromise and refund such indebtedness upon such terms as can be agreed upon, and to issue the bonds of said district in any amount not to exceed the actual amount of said warrant indebtedness, nor to exceed five per cent of the assessed valuation of all the taxable property in said district as ascertained by the assessment of the year 1910; said bonds may be issued in any amount not less than one hundred dollars nor more than five hundred dollars, with semiannual interest coupons attached, and shall be issued in all respects in conformity to and in accordance with an act entitled "An act to enable counties, municipal corporations, boards of education of any city, and school districts to refund their indebtedness," being general sections 588 to 598, inclusive, of the General Statutes of 1909; provided, that no limitation expressed in any other act shall apply to bonds issued under this act.

SEC. 25. *Bonds Registered.* [591.] The clerk of every county, city, township, school district and board of education issuing bonds under this act shall register the same in his office. Such bonds shall also, in every case, be registered by the county clerk, showing the date, number and amount thereof, rate of interest, number of coupons and amount of each, to whom payable, where payable, date of maturity, and, if optional, under what conditions; and all bonds refunded under this act shall have the words "Paid in full"

10. Bonds cannot be issued to exceed one and one-half per cent for all purposes, except as provided in sections 4 to 7. See section 1.

marked in a plain manner across the face of each bond and coupon so refunded, and such canceled obligations shall be carefully preserved in the office of the county clerk, or destroyed by the county commissioners, a register of the number, amount and date of issue having been first made by the county clerk. The proper officers shall, at the time of issuing refunding bonds, make out and transfer to the auditor of state a certified statement of all proceedings had by the proper board or city council, as shown of record, and that the said bonds have been issued for value, in all respects in conformity to this act, for certain indebtedness surrendered, distinctly describing the bonds issued and the indebtedness surrendered, and that they have been duly registered by the attesting clerk and the county clerk, as required herein, which statement shall be in such form and include such other information as the auditor of state may require, and be signed by all the officers whose signatures are attached to such bonds, and attested by the proper clerk with the corporate seal of the county, city, township, school district, or board of education, if any, and be duly acknowledged before the county clerk; and the auditor shall, upon being satisfied that such bonds have been issued according to the provisions of this act, and that the signatures thereto of the officers signing the same are genuine, register the same in his office in a book kept for that purpose, and shall, under his seal of office, certify upon such bonds the fact that they have been registered in his office according to law. (Laws 1891, ch. 163, sec. 3.)

SEC. 26. *Indebtedness Not to be Increased.* [592.] In all cases in which any county, city, township, the board of education of any city, or school district, shall effect a compromise of its indebtedness under this act, at a rate of sixty-five per cent or less upon the amount of such indebtedness, and shall issue bonds therefor under the provisions of this act, such county, city, township, the board of education of any city or such school district so compromising at such a rate, shall never increase its indebtedness beyond the amount of such refunding bonds so issued under this act until the same are paid or liquidated, and any bonds that may be issued or indebtedness created in addition to such amount of refunding bonds so issued shall be absolutely null and void. (Laws 1879, ch. 50, sec. 5.)

SEC. 27. *Annual Levy.* [593.] In every instance in which any county, city, township, the board of education of any city, or any school district, shall issue bonds under this act, it shall be the imperative duty of the proper officers of such county, city, township, the board of education of any city, or of such school district, whose duty it may be to levy taxes, to annually levy, at the time of making the levy of other taxes,

a tax sufficient in amount to pay the interest upon said bonds and the coupons as they become due, and to create a sinking-fund as provided for in this act for the payment of the principal of such bonds; and if such officers fail or neglect to make such levy, it shall be the duty of the county clerk forthwith to levy such tax; and in case any such officer shall neglect or refuse to levy any such tax at the time aforesaid, and in case any county clerk shall neglect or refuse to extend such tax upon the tax-roll of the county at the proper time, then, and in that case, any such officer so neglecting or refusing to levy or extend such tax shall be severally and individually liable, and shall also be liable upon his official bond to the holder of any such bond or coupon falling due during the year for which such tax should have been levied or extended for the full amount thereof, as soon as the same is due, which liability may be enforced in a civil action in the name of such holder; and any such officer so neglecting or refusing to levy or extend such tax shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in an amount equal to the amount which it may be shown should have been so levied or extended during such year, or imprisoned in the county jail for a term of not less than three nor more than twelve months. (Laws 1879, ch. 50, sec. 6.)

SEC. 28. *County Treasurer to Make Levy.* [594.] Should the proper officers whose duty it is to levy the taxes to pay such bonds and coupons fail or neglect to make such levy as provided for in this act, it shall be the duty of the auditor of state, at any time thereafter, to ascertain the amount of interest and sinking-fund or principal of such bonds, accrued and to accrue during that year, and shall certify the amount thereof to the treasurer of the county in which such bonds were issued, setting forth the amount thus due, and whether from the county or from a particular city, township, the board of education of any city or school district within such county; and it shall be the duty of such county treasurer, immediately upon receiving such certified statement from the auditor of state, to proceed to ascertain from the assessment roll of the county the amount of taxable property in such county, city, township, the board of education of any city, or such school district, and what percentage is required to be levied thereon to pay said interest and sinking-fund or principal, and when so ascertained shall levy such percentage upon the taxable property of such county, city, township, the board of education of any city, or such school district, as may be liable thereto, and shall immediately place the same upon the tax-roll of the county, in a separate column or columns, designating the purpose for which said taxes are levied; and the said taxes shall be collected by the county treasurer of such county in the same manner that other taxes are collected. And should such

county treasurer neglect or refuse to levy such tax and place the same upon the tax-roll for collection, as herein provided, he shall be personally liable, and also liable upon his official bond to the holder of any such bonds or coupons then due for the full amount thereof, and shall also be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the county jail for not less than three nor more than twelve months. (Laws 1879, ch. 50, sec. 7.)

SEC. 29. *Sinking-fund.* [595.] It shall be the duty of every county, city, township, the board of education of any city, and of every school district, issuing bonds under this act, and of the proper officers thereof, to create a sinking-fund, and to levy annually a sufficient tax therefor, for the redemption of such bonds, which shall be collected as other taxes, and paid into the treasury as provided by law for other taxes, and shall remain as a specific fund for the redemption of said bonds; the amount of which sinking-fund shall be as follows: In every instance in which bonds shall be issued under this act for twenty years or less, the quotient found by dividing the amount of the principal of such bonds by such number of years shall be the amount of sinking-fund to be levied each year for the redemption of such bonds; but in every instance in which such bonds shall be isued for more than twenty years, it shall not be necessary to create a sinking-fund, or to levy a tax therefor, until the twentieth year prior to the maturity of such bonds, at which time, and each year thereafter, one-twentieth of the principal amount of such bonds shall be levied as a sinking-fund for the redemption of such bonds; provided, that any county, city, township, the board of education of any city, or any school district issuing bonds under this act, may buy in and cancel any such bonds whenever the same can be done at or below par; and provided further, that such sinking-fund, when not required for the payment or purchase of bonds, may be invested in bonds of the United States or of the State of Kansas, and in no other manner; and provided further, that under the provisions of this act, the proper officers are authorized, if desirable, to issue instalment bonds, running thirty years, having coupons attached representing the semiannual interest to become due thereon; and each coupon attached to any instalment bond shall, after five years from its date, represent one-fiftieth of its principal, which amount shall be shown by separate words and figures aside from the interest represented in the coupon; and each instalment bond shall show upon its face that its principal is included in its coupons. (Laws 1879, ch. 50, sec. 8.)

SEC. 30. *Coupons Paid and Destroyed.* [596.] Whenever the bonds or interest coupons issued under this act shall become due, they shall be, on presentation, promptly paid by the proper disbursing officer, out of the money in his hands collected for that purpose; and he shall indorse upon the face of

any bond or coupon paid by him, in red ink, the word "Paid," and the date of payment, and sign his name thereto, and at each settlement he shall turn over the bonds and coupons so paid and canceled, which shall be carefully preserved, or destroyed. (Laws 1879, ch. 50, sec. 9.)

SEC. 31. *Penalty for Wrongful Use of Money.* [597.] Any person who shall appropriate, use, or aid or abet in appropriating or using, any of the funds or moneys mentioned in this act, for any other purpose than as in this act provided, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum equal to the amount of money so appropriated or used, and imprisoned in the county jail for not less than three nor more than twelve months, and shall also be liable in a civil action for the amount misappropriated or used, to be prosecuted by any such bondholder or other party entitled thereto. (Laws 1879, ch. 50, sec. 10.)

SEC. 32. *Coupons Receivable for Taxes.* [598.] The interest coupons provided for in this act shall, as fast as they become due, be receivable in payment of taxes due to the particular county, city, the board of education of any city, the township or school district which may have issued such coupons, and shall be received by all collecting officers the same as cash, in payment of such taxes. (Laws 1879, ch. 50, sec. 11.)

SEC. 33. *Merged districts May Refund Bonded Indebtedness.* [7639.] That the officers of any school district or joint district, containing all, the greater amount or an equal amount to the largest fraction contained in any other existing district, of the territory of a school district heretofore or hereafter disorganized (under chapter 177 of the Laws of 1899, or chapter 305 of the Laws of 1901), are hereby authorized and empowered to compromise and refund the legally existing bonded indebtedness of the merged district and to issue refunding bonds in the manner and upon the terms prescribed by chapter 50 of the Laws of 1879 and the amendments thereto. (Laws 1903, ch. 430, sec. 1.)

SEC. 34. *Form of Bonds.* [7640.] Bonds issued under this act shall contain a recital that they are issued in pursuance of this act and of chapter 50 of the Laws of 1879 and the amendments thereto, and shall run in the name of the merged school district, and may be substantially in the following form:

STATE OF KANSAS.

No..... $.....

MERGED SCHOOL-DISTRICT REFUNDING BOND.

BE IT KNOWN, That merged school district No. ....., ... county, state of Kansas, is indebted to ..... in the sum of ..... dollars, bearing interest from date at the rate of .... per cent per annum, payable semiannually, on the 1st day of January and July in each year, at the office of ....., in the city of ....., and for which coupons are hereto attached.

This bond is one of .... bonds, amounting in the aggregate to $.....

issued for the purpose of refunding the legally existing bonded indebtedness of said merged district, and in pursuance of chapter 430 of the Laws of 1903, and chapter 50 of the Laws of 1879 and the amendments thereto. The principal of this bond is made payable at the office of the ....., in lawful money of the United States, on the 1st day of ....., ...; and for such payment the faith and property of the territory comprised in said merged district at the time of its disorganization is hereby pledged. Said merged district was disorganized on the .... day of ....., 19.., and the ..... territory thereof was, on the .... day of ....., 19.., incorporated with school district No. ...., ... county, state of Kansas. The officers signing this bond hereby certify that all the requirements of law have been fully complied with.

IN TESTIMONY WHEREOF, This bond has been issued and signed by the director, attested by the clerk and countersigned by the treasurer of school district No. ...., and registered by the county clerk.

Dated at ....., county of ....., state of Kansas, this .... day of ....., 19...

Signed: .....*Director.*
Attested: .....*Clerk.*
Countersigned: .....*Treasurer.*

SEC. 35. *Commissioners to Levy.* [7641.] It shall be the duty of the county commissioners of the county in which the territory of such merged district lies to annually cause to be levied upon the property, real and personal, in the territory of such merged district, a tax sufficient to meet the interest and provide a sinking-fund for the payment of the indebtedness so refunded. In case of the disorganization and merger of any joint district, such tax shall be levied by the county commissioners of the respective counties wherein the territory of the merged district lies, and the moneys arising out of said levies, when collected, shall be paid to the treasurer of the county having the greater amount of the territory of said district, in the manner prescribed by section 1, chapter 226, of the Laws of 1889. (Laws 1903, ch. 430, sec. 2.)

SEC. 36. *Suits against Merged Districts.* [7642.] Suits may be brought by or against merged districts respecting bonds so issued, and the school-district officers issuing said bonds or their successors shall appear for and in behalf of said merged district. (Laws 1903, ch. 430, sec. 4.)

SEC. 37. *May Take up Merged-district Bonds.* [7643.] That the qualified voters of any school district or joint district containing all of the territory of two or more school districts heretofore or hereafter disorganized may, by a majority vote thereof, at a special election called for that purpose, vote to issue the bonds of such joint district for the purpose of refunding or taking up of the bonds of the merged or disorganized district contained in such joint district. Such bonds shall recite that they are issued in pursuance of this act, and shall run in the name of the joint school district; provided, that no greater amount of bonds shall be issued under this act than the total amount of bonds outstanding of the merged districts whose territory is contained in such joint district. (Laws 1903, ch. 430, sec. 5.)

SEC. 38. *Law Governing Such Indebtedness.* [7644.] Such indebtedness so created shall be considered and treated as and shall be governed by the laws relating to the general indebtedness of school districts. (Laws 1903, ch. 480, sec. 6.)

SEC. 39. *Disorganized Districts, Bonds of.* [7422.] If any disorganized school district has a legally existing bonded indebtedness at the time of its disorganization, such indebtedness shall attach to and be a charge against the territory comprised in such disorganized district at the time of its disorganization; and it shall be the duty of the county commissioners of such county annually to cause to be levied upon the property, real or personal, in such disorganized territory a tax sufficient to meet the interest and provide a sinking-fund for the payment of such indebtedness. Whenever the bonded indebtedness of any disorganized district can be advantageously compromised and refunded, the officers of the school district to which such disorganized district shall be attached, or has heretofore been attached, or into which it has been merged, shall have the power, and it shall be their duty, to issue refunding bonds for such purpose, in the same manner and under the same restrictions and regulations now provided by law for the refunding of other school-district bonds. (Laws 1905, ch. 383, sec. 1.)

CHAPTER II.—BUSINESS COLLEGES.

§40. Permit to canvass.
41. Revocation of permit to canvass.
42. Permit to be shown by agent.
§43. Penalty for canvassing without a permit.
44. Notes or contracts, void, when.

SECTION 40. *Permit to Canvass.* [7757.] That it shall be unlawful for any representative or any agent of any business college, or commercial department of any other school, to canvass in the state of Kansas for the purpose of selling tuition in advance, or to contract, or to secure their note for any tuition before the registration of said student in the college register at the college, without the school first making application to the state superintendent of public instruction and receiving from him a written permit, granting such school this privilege. The state superintendent of public instruction, upon receipt of said application, shall, before granting such a permit, publish a notice of said application in the official state paper for a term of thirty days, at the end of which time he shall grant the school making application such permit; providing, however, that satisfactory proof has not come to his knowledge, after a diligent inquiry, that said school or business college or commercial department is incompetent to furnish such a course of instruction as it advertises, or that the moral surroundings of the institution are not good, or that the premises are kept in an unhealthy condition, or that the agents of said institution use misrepresentations or fraudulent methods in securing contracts, notes or cash from prospective students, and in either of these cases he shall refuse to grant them a permit. (Laws 1909, ch. 204, sec. 1.)

SEC. 41. *Revocation of Permit to Canvass.* [7758.] After having granted any business college, commercial school, or commercial department of any other school a permit to canvass, and such school shall violate any of the conditions required to secure a permit, then the state superintendent of public instruction shall revoke the permit and shall not reissue a permit to that school until he is satisfied that they will comply with the foregoing requirements. (Laws 1909, ch. 204, sec. 2.)

SEC. 42. *Permit to be Shown by Agent.* [7759.] Any agent or representative of any such school doing business within the state, or without the state, when operating within the state of Kansas, shall, upon request of any person, show a permit or certified copy thereof, showing that the school he represents has permission to canvass within the state. (Laws 1909, ch. 204, sec. 3.)

SEC. 43. *Penalty for Canvassing Without a Permit.* [7760.]

Any person who shall violate this act by canvassing for students with the intention of selling tuition for cash, contract or note for any business college, commercial school or any commercial department of any other school without first having this permit from the state superintendent of public instruction, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars, or by imprisonment not to exceed thirty days, or by both such fine and imprisonment. (Laws 1909, ch. 204, sec. 4,)

SEC. 44. *Notes or Contracts Void, When.* [7761.] Any note or contract taken by any such business college or the commercial department of any other school, or their agents or representatives, for tuition without first having complied with the provisions of this act shall be void. (Laws 1909, ch. 204, sec. 5.)

CHAPTER III.—CERTIFICATES.

ARTICLE I.—STATE CERTIFICATES.

§45. State Board of Education.
46. Meetings and powers of state board.
47. Additional state certificates.
48. Approval of course of study.
49. Examinations; standard.
50. Certificate issued.
51. Institutions to which the provisions may extend.
52. State certificate issued to graduates of certain institutions.
53. Certificates from other states recognized.
54. Certificates void, when.
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56. Renewal.
§57. Graduates in normal courses.
58. Normal School certificates.
59. Certificates renewable.
60. Registered and signed by state superintendent.
61. State Normal School certificates.
62. Registration of certificates and diplomas.
63. Duty of county superintendents and clerks of boards of education.
64. Unlawful to pay salary.
65. No fees.
66. Registration reported to state superintendent.
67. Does not revive lapsed certificate.

SECTION 45. *State Board of Education.* [7496.] There shall be a State Board of Education, consisting of the state superintendent of public instruction, the chancellor of the State University, the president of the State Agricultural College, the president of the State Normal School, and three others to be appointed by the governor by and with the consent and advice of the senate, selected from among those engaged in school work in the schools of the state. The three thus appointed by the governor shall hold their office for a term of two years, or until their successors are duly appointed and qualified. The State Board of Education thus constituted are hereby authorized and empowered to issue state diplomas[11] to such professional teachers as may be found, upon critical examination, to possess the requisite scholarship and culture and who may also exhibit satisfactory evidence of unexceptionable moral character and of eminent professional experience and ability, and who have taught for two years in the state. All such diplomas shall be countersigned by the state superintendent of public instruction, and shall supersede the necessity of any and all other examinations of the persons holding the same by county, city or local boards of examiners, and such diplomas shall be valid in any county, city, town or school district in the state during the lifetime of the holder, unless revoked by the State Board of Education. (Laws 1893, ch. 132, sec. 1.)

SEC. 46. *Meetings and Powers of Board.* [7498.] That section 6214 of the General Statutes of 1901 be amended to read as follows: The State Board of Education shall meet at such times and places as by them may be deemed necessary and transact such business as may legally come before them, and examine all applicants who may present themselves for such examination; and, if satisfied with the scholarship, culture and

11. A state diploma differs from a life certificate in branches and experience required. The privileges granted by each are identical.

moral character of the applicant, and with his professional attainments and experience, said board shall issue a state diploma or certificate, as the case may be, in accordance with such examination and the provisions of the law. The state board shall prescribe a course of study for the normal institutes and for the public schools of the state, and shall revise the same when the interests of the schools require it; provided, that the course of study for elementary schools shall include all studies required by chapter 435[12] of the Session Laws of 1903 and section 6235[13] of the General Statutes of 1901. The auditor of state is hereby authorized to issue warrants upon the state treasurer against any funds not otherwise appropriated for the actual expenses of the members of said Board of Education incurred in attending the meetings or examinations provided for in this act, except for the examinations as specified in section 8 of this act; provided, in each case, that said warrant shall issue only upon the statement verified by affidavit of the member submitting such account, and approved by the secretary of said Board of Education; provided, also, that the sum total of said expenses of the board shall not exceed $300 per annum. (Laws 1905, ch. 387, sec. 1.)

SEC. 47. *Additional State Certificates.* [7497.] The State Board of Education are furthermore authorized and empowered to issue state certificates of high qualifications to such teachers as may be found, upon examination, to possess the requisite scholarship, and who may also exhibit satisfactory evidence of good moral character, and ability to teach, and skill to govern and control children. The certificates issued by the State Board of Education may be of two grades—one for three years and one for five years; and all certificates issued by said board shall be countersigned by the state superintendent of public instruction, and such state certificate shall supersede the necessity of all other examinations of the persons holding them by county or local boards of examiners; and such certificates shall be valid in any county, city, town, or school district in the state for the term of three or five years[14] (as therein set forth), unless sooner revoked by said State Board of Education. (Laws 1876, ch. 122, art. 6, sec. 8.)

SEC. 48. *Approval of Course of Study.* [Laws 1911, ch. 216, sec. 1.] That section 7499, Gen. Statutes of 1909, be amended to read as follows: Sec. 7499. Upon application of any college or university, or educational institution of like standing, incorporated under the general laws of the state of Kansas, and requiring a four-year high-school course or its equivalent, approved by the State Board of Education, as a

12. Section 162 of this book.

13. Section 85 of this book.

14. These certificates are not renewable.

condition of admission to its freshman class, the State Board of Education shall have the power to examine the course of study prescribed and the character of the work done by it, and if in the judgment of said board the course of study and the character of the work done shall be of such standing as to prepare the graduates of such institution to teach successfully in the public schools of this state, and if said institution maintains a department of education and the course of study prescribed includes work in said department satisfactory to the State Board of Education, the board shall place such institution on the accredited list.

SEC. 49. *Examinations; Standard.* [Laws 1911, ch. 276, sec. 2.] That sec. 7500 of Gen. Statutes of 1909 be amended to read as follows: Sec. 7500. Any institution on the accredited list shall be subject to examination by the State Board of Education at its pleasure with respect to its course of study, its equipment, and the character of its work; and additional requirements may be made at the pleasure of the board. Any institution failing to maintain a standard satisfactory to the State Board of Education shall be dropped from the accredited list.

SEC. 50. *Certificate Issued.* [Laws 1911, ch. 276, sec. 3.] That sec. 7501, Gen. Statutes of 1909, be amended to read as follows: Sec. 7501. To all persons graduating from such approved courses of study in institutions on the accredited list the State Board of Education shall issue a three-year state certificate, and at the expiration of said certificate said board shall issue a life certificate in lieu of the first one issued, provided the holder shall have taught successfully at least two years out of the three and has kept himself informed in the general literature of his profession.

SEC. 51. *Institutions to which the Provisions May Extend.* [Laws 1911, ch. 276, sec. 4.] That sec. 7502 of Gen. Statutes of 1909 be amended so as to read as follows: Sec. 7502. The provisions of sections 1, 2 and 3 of this act shall apply to the State University and the State Agricultural College, and may, at the discretion of the State Board of Education, be extended to any institution in any of the United States which shall satisfy the said board that it maintains an efficient department of education and meets the other requirements for schools on the accredited list.

SEC. 52. *State Certificates, Issued to Graduates of Certain Institutions.* [Laws 1911, ch. 276, sec. 5.] That sec. 7521 of Gen. Statutes of 1909 be and same is hereby repealed. Any graduate of the school of arts of the University of Kansas, or of any university or college incorporated under the laws of this state maintaining a department of education and requiring a four-year high-school course or its equivalent, approved by the State Board of Education, as a condition of

admission to its freshman class, and maintaining a regular four-year course thereafter for graduation, and accredited as such by the State Board of Education, shall, upon presentation to said board of satisfactory evidence of graduation from such accredited course of study in said university or college, receive from said board a three-year certificate to teach in the public schools of this state; provided, that the course of study completed by such graduate of the above-described institutions shall have included such work in the department of education as shall be satisfactory to the State Board of Education.

SEC. 53. *Certificates from Other States Recognized.* [7506.] When the State Board of Education is satisfied that any resident of this state, holding a state certificate issued by any other state in the United States, secured the same by passing an examination equivalent to that given by said board, it may issue to said person the certificate as provided for in section 3 of this act, without further examination. (Laws 1893, ch. 132, sec. 10.)

SEC. 54. *Certificates Void, When.* [7507.] All life certificates issued by the State Board of Education or by the regents of the State Normal School shall be void if the holder of the same should not be engaged in school work for three consecutive years; provided, that certificates may be renewed by the State Board of Education. (Laws 1893, ch. 132, section 11.)

SEC. 55.[15] *Certificates Canceled, When.* [7508.] The said State Board of Education is empowered to cancel any state certificate which said board, on satisfactory proof, finds to be held by a person of immoral character or otherwise disqualified for a teacher. (Laws 1893, ch. 132, sec. 12.)

SEC. 56. *Renewal.* [7523.] Any person holding a three-years certificate granted in accordance with the provisions of section 1 or section 2 of this act may, at any time within six months[16] before or after its expiration, apply to the State Board of Education for a life certificate, and if it shall appear to the said State Board of Education that the applicant is of good moral character, has taught successfully not less than two years[17] of the three, and has kept himself well informed in the general literature[17] of his profession, a life certificate shall be issued to said applicant by said Board of Education; provided, that such life certificate shall be void if the holder thereof is out of the teaching profession for three consecutive

15. See section 84 of this book for additional cause for revocation.

16. The law determines the limits of time within which this certificate may be renewed.

17. The law prescribes the requirements for renewal of this certificate and makes the State Board of Education the judge of when said requirements have been met.

years; provided, that life diplomas[18] may be renewed by the State Board of Education. (Laws 1899, ch. 179, sec. 4.)

SEC. 57. *Graduates in Normal Courses.* [7522.] The State Agricultural College and any educational institution incorporated under the laws of this state, and accredited by the State Board of Education as maintaining a course of study including all the branches [19] prescribed by law and required by said State Board of Education for securing a three-years certificate to teach in the public schools of the state, is hereby authorized to grant a diploma—the form of which shall be prescribed by the State Board of Education—to any person who shall complete the above-specified course of study, which diploma shall be accepted by the State Board of Education as authorization for granting to the holder of such diploma a three-years certificate [20] to teach in the public schools of the state of Kansas; provided, said person shall have given not less than twenty weeks to practice teaching under the provision of the pedagogical department of said educational institution. (Laws 1899, ch. 179, sec. 3.)

SEC. 58. *Normal School Certificates.* [8378.] The board of regents of the State Normal School shall have power to fix for the State Normal School and its auxiliaries courses of study, preparatory and normal, and shall fix, in addition to the two-years course as now provided by law, a course of not less than three years in the normal department of each of the auxiliary schools, in such manner as may seem to them economical and effective in the training of teachers; and, in so doing, they shall not be limited by any of the restrictions heretofore made as to subjects of [or] the length of courses; and before issuing the life diploma on completion of the full course of instruction in the State Normal School, as provided by law, the said board of regents shall issue to students of the State Normal School and its auxiliaries a one-year state certificate [21] on the completion of the first two-years course at the Normal School or its auxiliaries, as heretofore, and shall on the completion of the three-years course in the State Normal School or its auxiliaries issue a diploma, which shall be a certificate valid for teaching in the public schools of the state for three years.[22] (Laws 1905, ch. 388, sec. 1.)

SEC. 59. *Certificates Renewable.* [8379.] Said board may provide courses of study for the State Normal School and its

18. "Diploma," as here used, refers to the life certificate mentioned in this section.

19. See manual of the State Board of Education, edition 1910, page 14.

20. This certificate is not renewable.

21. These certificates are not renewable.

22. These certificates are not renewable.

auxiliaries according to the standard set for accredited schools under the certificate law of 1899,[21] and may issue to graduates of such courses the three-years state certificate entitling such graduates to its privileges, including renewal by the State Board of Education, as provided by law. And said board of regents of the State Normal School shall have power to confer such degrees as they may deem proper; but no honorary degree without a year or more of actual enrollment in school or without corresponding literary, scientific and professional attainments shall ever be granted by the State Normal School. (Laws 1905, ch. 388, sec. 2.)

SEC. 60. *Registered and Signed by State Superintendent.* [8380.] All teachers' certificates and all diplomas having certificate value shall, before they are issued by this board, be presented to the state superintendent of public instruction for his signature and for registration in his office. (Laws 1905, ch. 388, sec. 3.)

SEC. 61. *State Normal School Certificate.* [8343.] As soon as any person has attended said institution twenty-two weeks, said person may be examined in the studies required by the board, in such manner as may be prescribed, and if it shall appear that said person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate to that effect from the principal, to be approved by the superintendent of public instruction; and as soon as any person shall have completed the full course of instruction in the State Normal School, he or she shall receive a diploma, which, when signed by the president of the institution, state superintendent of public instruction, and the board of directors of said school, shall be evidence that the person to whom such diploma is granted is a graduate of the State Normal School, and entitled to all the honors and privileges belonging to such graduates; and such diploma shall serve as a legal certificate of qualification to teach in the common schools of this state. (Laws 1864, ch. 99, sec. 13.)

SEC. 62. *Registration.* [7527.] That every state certificate, state diploma or any other document issued by the State Board of Education as a teacher's certificate, and every Kansas State Normal School diploma, one-year certificate or any other document issued by the Kansas State Normal School as a teacher's certificate, must be registered by the county superintendent of the county, or with the clerk of the board of education of the city of the first or second class, in which the holder contracts to teach. Failure, neglect or refusal to comply with the foregoing provision will render said certificate, diploma, Normal School diploma or other document void as a teacher's certificate in such county or city of the first and second class

until such registration is complied with. (Laws 1905, ch. 394, sec. 1.)

SEC. 63. *Duties of Certain Officers.* [7528.] It shall be the duty of the county superintendent or clerk of the board of education of a city of the first or second class to register all such certificates, diplomas or other documents when presented to him by the holder thereof. It shall be the duty of said superintendent or clerk to provide a suitable record for this purpose; said record to show the name and address of the holder, kind of certificate, diploma or other document held, date of issue and date of expiration, if issued for other period than the life of the holder. It shall be the further duty of the county superintendent or clerk of the board of education to issue to such holder a statement of the kind of certificate, diploma or other document held, giving date of issue and date of expiration of same. (Laws 1905, ch. 394, sec. 2.)

SEC. 64. *Unlawful to Pay Salary, When.* [7529.] It shall be unlawful for any district board, board of education or board of trustees of any county high school to issue an order for payment of the salary for services as teacher of any holder of said certificate, diploma or other document unless said holder presents a certificate of registration as provided for in section 2 of this act. (Laws 1905, ch. 394, sec. 3.)

SEC. 65. *No Registration Fee.* [7530.] No fee shall be charged for the registration required by this act. (Laws 1905, ch. 394, sec. 4.)

SEC. 66. *Report to State Superintendent.* [7531.] It shall be the duty of the county superintendents and clerks of boards of education of cities of the first and second class to report, in October and March of each year, to the State Board of Education all certificates, diplomas or other documents registered in their respective counties or cities. It shall be the duty of the state superintendent to provide necessary blanks for this report. (Laws 1905, ch. 394, sec. 5.)

SEC. 67. *No Revival.* [7532.] No provisions of this act shall be construed to revive a state certificate, state diploma or State Normal School diploma which has lapsed under provisions of section 6223[23] of the General Statutes of 1901, nor any certificate or diploma which has lapsed by expiration of time for which it was issued. (Laws 1905, ch. 394, sec. 6.)

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23. See section 53 of this book.

24. The board interprets the law as requiring that institutions asking to be accredited must establish and maintain a distinct department of pedagogy, filled by a teacher of eminent educational qualifications, secured through long experience in the schoolroom and through special pedagogical studies, or by a full college course which shall have included the pedagogical subjects which he shall be required to teach.

25. Those colleges whose courses have been approved are required to

have a minimum of 100 volumes of standard works in their pedagogical libraries, and the State Board of Education reserves the right to raise this minimum requirement from time to time. In determining this minimum, duplicate copies will not be counted.

26. The board will recognize summer work in accredited colleges only when such work is done in a regularly organized term and by regular instructors; provided, that the amount of credit given shall not be greater than the amount of credit given for an equal time in the regular school year.

27. The texts to be used in all of the subjects embraced in the course are to be those approved by the State Board of Education, or those generally recognized as their equivalent.

28. Permanent records of the work of each student are to be kept, giving a full history of his entrance and course until graduation.

29. Institutions asking approval of their normal courses under the law of 1899 must maintain a course equivalent to one of the four-year courses at the State Normal School, including twenty weeks' practice teaching, under the head of the pedagogical department. Practice teaching referred to must not include any teaching for which pay is received.

30. The interpretation by the board of the term "practice teaching," as contained in the law (Laws of 1899, chapter 179, section 3), is, that it means actual model-school work as given at the State Normal School, and that it requires the establishment of model schools, connected entirely with the institutions approved.

31. Certificates granted to graduates of normal courses of accredited institutions under the law of 1899 are not renewable. Not less than two years of resident work in an accredited college will be approved by the board, one of which shall be in the college granting the diploma.

32. Common-school texts in college subjects do not meet the standard approved by the board.

33. The awarding of a county certificate, or any other act within the jurisdiction of the county board of examiners, must have duly received, in the lawful course of business, the consent of at least two members of the board, in order to be, legally, an *act of the board.* County certificates can be legally granted only *by the board.*

A county certificate cannot be lawfully dated back beyond the time when the county board, in the lawful course of business, actually awarded the same.

Although the county board may, by revocation for cause, abridge, they cannot lawfully extend the time during which a certificate issued by them shall be in force, nor renew the same without a public examination of the holder thereof, except as provided by law.

A public examination is the only legal basis for the issuance of a certificate. It is the province of the board to determine the standing of the applicant in every study, and to inquire into the "competency" of the candidate to teach and govern a school successfully.

It is proper for the board to refuse a certificate to an applicant passing the necessary examination but not satisfying the board as to his ability to "teach and govern a school successfully."

ARTICLE II—COUNTY CERTIFICATES.

§68. County board of examiners, how constituted; qualifications and appointment.
69. Public examinations; notice of same.
70. Examinations in other counties and at state schools.
71. Special examinations.
72. Fees for certain examinations.
73. Uniform examinations.
74. State superintendent shall forward questions, when.
75. Unlawful use of examination questions.
76. Penalty for unlawful use of examination questions.
§77. Examiners exempt.
78. Grades of certificates.
79. Third grade; second grade; first grade.
80. Renewal of professional and first-grade certificates.
81. Temporary certificate.
82. Issued on examination.
83. County certificates, where valid.
84. Revocation; causes for.
85. Examination of teachers in physiology and hygiene.
86. Examinations in districts employing ten or more teachers.

SECTION 68. *County Board of Examiners.* [7485.] In each county there shall be a board of county examiners, composed of the county superintendent, who shall be *ex officio* chairman of the board, and two competent persons, holders of professional certificates or first-grade certificates, or of state certificates, or of diplomas from the state University, the State Normal School, or the State Agricultural College, who shall be appointed by the county commissioners on the nomination of the county superintendent, and shall serve one year from the time of their respective appointments, and each of whom shall receive for his services the sum of three dollars per day for not to exceed twenty-four days in any one year. (Laws 1905, ch. 390, sec. 1.)

SEC. 69. *Public Examinations.* [7486.] The board of county examiners, two of whom shall constitute a quorum, shall, on the last Saturday of January and of October, and on Saturday of the last week of the county normal institute, together with the Friday preceding each such Saturday, only at such places as may be designated by the chairman (who shall give ten days' notice of each examination), publicly examine all persons proposing to teach in the common schools of the county (cities of the first and second class excepted) as to their competency to teach the branches prescribed by law; said board shall open each separate package of questions not earlier than the hour specified thereon by the state superintendent, and shall give the candidates the questions at the hour specified for the beginning of the examination on that subject; said board of examiners shall issue certificates, as by law provided, to all such applicants as shall pass the required examination and satisfy the board as to their good moral character and ability to teach and govern schools successfully. (Laws 1905, ch. 391, sec. 1.)

SEC. 70. *Examinations in Other Counties and at State Schools.* [7487.] Applicants for any grade of county certificates for any county of the state may write in the examination given in any other county of the state, or, if students at the State University, State Agricultural College, or State Normal School or either of its auxiliaries, at an examination conducted by the presiding officer thereof, on the questions and under

the laws and regulations for the county examination; and the county examining board of any county, on receiving the papers, with a properly signed certificate on a blank to be provided by the state superintendent, together with one dollar for the institute fund for each applicant, shall issue certificates as provided in case of regular county examinations. (Laws 1905, ch. 391, sec. 2.)

SEC. 71. *Special Examinations.* [7488.] Each county superintendent may, if he deems it necessary, conduct a special examination at the time of the closing of normal institutes in some other county or counties; provided, that the examination conforms to the laws in all other respects, including the questions prepared for that examination, and it shall be the duty of the state superintendent to furnish these questions, if notified by the county superintendent ten days before the date of the examination that he has accepted fees from two or more candidates for that examination. (Laws 1905, ch. 391, sec. 3.)

SEC. 72. *Fees.* [7489.] Each candidate for the examination under the provisions of section 2 and section 3 of this act shall pay a fee of one dollar for this examination if taken at a state educational institution, or two dollars if taken before a county examining board, one dollar of which shall go into the institute fund of the county in which the examination is written. (Laws 1905, ch. 391, sec. 4.)

SEC. 73. *Uniform System of Examinations.* [7517.] That the State Board of Education is hereby instructed to prepare a series of questions for each examination, to be used in each county of the state of Kansas for the examination of teachers; and the state superintendent is hereby instructed to procure the printing of the same and distributing to the superintendents of the several counties in the state, as hereinafter provided. (Laws 1885, ch. 180, sec. 1.)

SEC. 74. *Questions Shall be Forwarded.* [7518.] The state superintendent shall forward all questions to the superintendents of the several counties in the state of Kansas; provided, that said questions shall be forwarded in time to reach their destination at east two days before required for use; and provided further, that said questions shall not be opened except in the presence of a majority of the examining board on the day and hour of examinations.[34] (Laws 1885, ch. 180, sec. 2.)

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34. See section 69 of this book.

35. Section 69 provides that the county board of examiners "shall publicly examine all persons proposing to teach . . . as to their competency to teach the branches prescribed by law." Sections 162 and 85 indicate what branches shall be taught in the public schools.

Carrying Grades. The law does not authorize the carrying of grades from one examination to another, except as provided for first-grade cer-

SEC. 75. *Unlawful Use of Examination Questions.* [7754.] It shall be unlawful for any person to sell or offer for sale, or buy or offer to buy, or to distribute, or have in his or her possession any printed or written examination questions prepared for any examination to be held for the purpose of testing the qualifications of persons desiring to be admitted to the practice of any of the professions in this state in which it is required that such persons be examined as to their qualifications, or any printed or written examination questions prepared for teachers' examinations for any of the schools of this state, or of any printed or written examination questions prepared for the final examination of any students in any of the higher institutions of learning of this state, desiring to graduate from said institutions, prior to the time of the holding of such examination. (Laws 1909, ch. 208, sec. 1.)

SEC. 76. *Penalty for Unlawful Use of Examination Questions.* [7755.] Any person selling or offering to sell, buying or offering to buy, distributing or having in his or her possession any such examination questions, contrary to the provisions of section 1 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars, or imprisoned in the county jail for not less than ten days nor more than six months. (Laws 1909, ch. 208, sec. 2.)

SEC. 77. *Examiners Exempt.* [7756.] The provisions of this act shall not be construed to prevent the proper officials or instructors whose duty it is to conduct the said examination, referred to in section 1 of this act, from having in their possession printed or written copies of such examination questions. (Laws 1907, ch. 208, sec. 1.)

SEC. 78. *Grades of Certificates.* [Laws 1911, ch. 277, sec. 1.] That section 1 and section 2 of chapter 341 of the Session Laws of 1907, and section 5 and section 6 of chapter 424 of the Session Laws of 1903 be and are hereby amended so as to read as follows: Certificates issued by county boards of examiners shall be of three grades, namely, third grade, second grade and first grade, and shall continue in force in the

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tificates in section 79 of this book, nor the granting of any privileges pertaining to the examination as a reward for attending normal institutes.

Certificate in Case of Joint District. In the case of a joint district, the certificate must be issued by the board of examiners of the county in which the largest amount of territory is found.

36. This experience need not have been had in Kansas, nor in the public schools, but must be shown to the satisfaction of the board of examiners.

37. A first-grade certificate may be indorsed in another county and thereafter may be renewed in that county.

order named for the respective periods of one year, two years and three years.

SEC. 79. *Third Grade; Second Grade; First Grade.* [Laws 1911, ch. 277, sec. 2.] Certificates of the third grade[39] may be issued to persons of not less than eighteen years of age on passing a satisfactory examination; provided, that not more than two third-grade certificates may be issued to the same individual if the applicant has taught three months; provided further, that each applicant for a third-grade certificate shall give satisfactory evidence of good moral character, and shall by a written examination secure an average grade of seventy-five per cent, with no grade below sixty per cent, in the following branches: orthography, reading, writing, English grammar and composition, geography, arithmetic, United States history, including Kansas history, civil government, physiology and hygiene, elements of agriculture, the principles and methods of teaching, and such other branches as the State Board of Education may prescribe. Certificates of the second grade[38] may be issued to persons of not less than eighteen years of age who have taught successfully not less than three school months and who shall give satisfactory evidence of good moral character, and who shall by a written examination secure an average grade of eighty per cent, with no grade below sixty per cent, in all the branches required for a third-grade certificate, and in such other branches as the State Board of Education may prescribe. Certificates of the first grade may be issued to persons of not less than twenty years of age, who shall have taught successfully for not less than twelve school months, who shall give satisfactory evidence of good moral character, and who shall fully satisfy the board of examiners of their ability to teach all the branches required for a second-grade certificate, and such other branches as the State Board of Education may prescribe; provided, that by a written examination applicants shall secure an average grade of ninety per cent, with no grade below seventy-five per cent in any one branch; provided further, that any person holding a second-grade certificate may retain for two years any grade of ninety per cent or more, secured at not to exceed four regular county teachers' examinations, and such grade shall be applied toward meeting the requirement for a first-grade certificate, but no grade received prior to the issuance of such second-grade certificate shall be so applied; and provided further, that a first-grade certificate may be renewed at its expiration upon the payment of a fee of one dollar if it is shown that the holder has attended at least ninety per cent of the time of at least one normal institute, or has had six weeks' professional train-

39. See section 83 of this book for validity in other counties.

38. See section 83 of this book for validity in other counties.

ing in some approved school, during the period for which the certificate has been issued; and provided further, that the applicant shall have performed such professional work as the State Board of Education or county superintendent shall direct, and shall not have remained out of school work longer than two consecutive years.

SEC. 80. *Renewal of Professional and First-grade Certificates.* [Laws 1911, ch. 277, sec. 3.] All professional certificates in force at the time of the passage of this act shall at their expiration be renewed by the issuance of first-grade certificates, and no professional certificates shall be issued after the passage of this act; provided, that after May 1, 1913, no person shall be granted a certificate who has not completed at least one year of school work in an accredited high school or its equivalent, and after May 1, 1915, no person shall be granted a certificate who has not completed at least two years of high-school work or its equivalent, and after May 1, 1917, no person shall be granted a certificate who has not completed four years of high school or its equivalent; provided further, that this requirement shall not apply to any one who has taught at least six school months before May 1, 1912; and provided further, that the State Board of Education may make such temporary modifications of the requirements of this section as may be necessary to supply the schools with teachers.

SEC. 81. *Temporary Certificate.* [7534.] That the county superintendent of any county in this state, upon request made in writing by such district board, is authorized to issue temporary teachers' certificates to any person not under eighteen years of age applying therefor, when in the judgment of such county superintendent the applicant is a person of good moral character and possesses the necessary qualifications of a teacher; provided, however, that such applicant make affidavit that he has not failed in the last preceding examination for teachers' certificates in any county in this state; and provided further, that such temporary certificate, when issued, shall not be effective or in force from or after the next quarterly examination for teachers' certificates in the county wherein same was issued.[40] (Laws 1907, ch. 342, sec. 1.)

SEC. 82. *Issued on Examination.* [7494.] No certificate shall be issued by any county board or county superintendent except upon examination as provided in this act; provided, that county boards may renew professional certificates from year to year, as provided for in section 4 of this act.[41] (Laws 1903, ch. 424, sec. 7.)

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40. At the expiration of a temporary certificate another temporary certificate cannot be issued.

41. See sections 79 and 80 of this book. The provisions of those sections govern where they are in conflict with section 82 of this book.

SEC. 83. *County Certificates, Where Valid.* [7495.] No certificate shall be of force except in the county in which it is issued; provided, that the county superintendent may indorse[42] unexpired professional and first-grade, second- and third-grade certificates issued in other counties, on payment of the usual fee of one dollar, which certificate shall thereby be valid in the county in which such indorsement is made for the unexpired term of the certificate.[43] A certificate issued under this act may be revoked by the board of examiners on the ground of immorality or for any cause that would have justified the withholding thereof when the same was granted. (Laws 1905, ch. 393, sec. 1.)

SEC. 84. *Revocation; Causes For.* [7526.] Any certificate issued by the State Board of Education, regents of the State Normal School, county board of examiners or city board of examiners may be revoked by the body issuing the same on the grounds of immorality, gross neglect of duty, annulling of written contracts with boards of education and district boards without the consent of a majority of the board which is a party to the contract, or for any cause that would have justified the withholding thereof when the same was granted. (Laws 1905, ch. 392, sec. 1.)

SEC. 85. *Examination of Teachers in Physiology and Hygiene.* [7519.] No certificate shall be granted to any person to teach in any of the public schools of this state after the 1st day of January, 1886, who has not passed a satisfactory examination in the elements of physiology and hygiene, with special reference to the effects of alcohol stimulants and narcotics upon the human system; and provision shall be made by the proper officers, committees and boards for instructing all pupils in each public school supported by public money and under state control upon the aforesaid topics. (Laws 1885, ch. 169, sec. 1.)

SEC. 86. *Examination in Districts Employing Ten or More Teachers.* [7533.] That in any common-school district employing ten or more teachers therein, the school board may appoint two competent persons, who, together with the superintendent of the school of such district, shall constitute an examining committee of such school board, whose duty it shall be to examine all persons who may apply to them as teachers; and no person except one who holds a diploma or a certificate from the State Board of Education or a diploma from the State Normal School shall be elected by such board as a teacher who

42. The indorsement of any county certificate is optional with the county superintendent.

43. The indorsement of a certificate by a county superintendent in a county other than the one in which it was issued makes it a legal certificate in the county where indorsed until it expires by limit of date. A specified limitation accompanying the indorsement is of no effect.

cannot produce a certificate from the examining committee, and setting forth that such person is competent to teach in such department of said school as may be stated in the certificate and is a person of good moral character; and provided, that a person holding such state diploma, state certificate or State Normal School certificate or a certificate granted by the aforesaid examining committee shall not be required to take any county teachers' examinations. (Laws 1907, ch. 340, sec. 1.)

CHAPTER IV.—COMPULSORY EDUCATION.

§87. Who must attend school; liability of parents and guardians.
88. Truant officers; appointment; duty.
89. Incorrigible pupils.
90. Compensation of truant officers.
91. Teachers and school officers to report.
§92. Annual school census.
93. Deaf, mute and blind must be educated.
94. Penalty.
95. Education of children in asylums.

SECTION 87. *Who Must Attend Schools; Liability of Parents and Guardians.* [7736.] Every parent, guardian or other person in the state of Kansas having control or charge of any child or children between the ages of eight and fifteen years,[44] inclusive, shall be required to send such child or children to a public school, or a private, denominational or parochial school[45] taught by a competent[45] instructor, each school year, for such period as said school is in session; provided, that any child of the age of fourteen years or more who is able to read and write the English language,[46] and who is actively and regularly employed[46] for his own support or for the support of those dependent upon him, shall not be required to attend the aforesaid schools for a longer period or term than eight consecutive weeks in any one year; provided, that any and all children that have received a certificate of graduation from the common schools of any county or certificate of admission to a high school in any city in the state of Kansas shall be exempt from the provisions of this act; provided, that the children who are physically or mentally incapacitated for the work of common schools are exempt from the provisions of this act, but the school authorities shall have the right,[47] and they are hereby authorized, when such exemption under the provisions of this act is claimed by any parent, guardian or other person in the control or charge of such child or children, to cause an examination of such child or children by a physician or physicians employed for such purpose by such authorities,[48]

44. The ages are from the time the child becomes eight years old until it becomes fifteen years old.

45. The parent or guardian may determine the particular kind of a school which the child shall attend. Attendance at a night school does not afford sufficient time to become a substitute for attendance upon a day school. This state requires that instructors in such schools be competent; a teacher may be competent without being the holder of a teacher's certificate. For exclusion on account of a contagious disease, see section 166.

46. He must be able to read and write the English language, and *also* be actively and regularly employed as stated in the law.

47. It is entirely within the province of school authorities to determine the validity of the claim for exemption.

48. The school boards should pay the expense of the examination by the physician.

and if such physician or physicians hold that such child or children are capable of doing the work in the common schools, then such child or children shall not be exempt from the provisions of this act. (Laws 1903, ch. 423, sec. 1.)

SEC. 88. *Truant Officers; Appointment; Duty.* [7737.] The county superintendents of public instruction shall divide their respective counties, exclusive of all cities of the first and second class therein, into not less than one nor more than five truant districts, and the board of county commissioners shall, upon the nomination of the county superintendents of public instruction of their respective counties, appoint a truant officer for each district thus created, who shall hold his office at the will of the county superintendent of public instruction; and the boards of education of all cities of the first and second class, respectively, shall, independently and originally, appoint the truant officers or officer of their respective cities, to serve at the pleasure of the appointing board. Each truant officer, in his respective district, shall see that the provisions of this act are complied with,[49] and when from personal knowledge, or by report, or complaint of any resident or teacher of the district upder his supervision, or from any information, he believes that any child subject to the provisions of this act is habitually absent from any school which it should or has been accustomed to attend, or has been assigned to attend by order of the directors of any country district, or by the classification, transfer, or order of the board of education or superintendent of schools of any city of the first or second class, for a period of three or more consecutive days, unless excused under the provisions of section 1 of this act, he shall immediately give written notice [50] to the parent, guardian or other person having control or charge of such child, or, in the absence of such parent, guardian or other person having control or charge from his or her usual place of residence, shall leave a copy of such notice with some person over twelve years of age residing at the said usual place of residence, with instructions to hand said notice to said parent, guardian or other person having control or charge of such child, which notice shall require the attendance of said child at said school within five days from date of same; and if within five days from the date of said notice such parent, guardian or other person having control or charge of such child does not comply with the provisions of this act, then such truant officer shall make complaint in the name of the state of Kansas against such parent, guardian or other person having control or charge of such child in the

49. The truant officer appointed by the county commissioners is under the direction and supervision of the county superintendent.

50. Formal written notice is required, and the notice is final for the term. Notice by registered letter where delivery is prompt, or by special delivery where it can be used, is a legal notice if delivery can be proved.

juvenile court or other court of competent jurisdiction of such county, which court is hereby clothed with jurisdiction over all offenders and proceedings under this act, with full power to try and hear all complaints, impose fines, enforce their collection by distress or imprisonment, and to fully execute the provisions of this act. It shall be unlawful for any merchant, company, or other party, without the written permit of the board of directors of any country district, or of the board of education of any city of the first or second class, to employ any child therein, between the ages of eight and fifteen years, during the sessions of the school term or year, unless such child is exempt from attendance under the provisions of section 1; provided, that the board of directors of any country district or the board of education of any city of the first or second class shall have authority, in the exercise of a sound discretion, to permit temporary absences of children from school, between the ages of eight and fourteen years, in extreme cases of emergency or domestic necessity. Any parent, guardian or other person having control or charge of such child delinquent in school attendance, and any merchant, company or other party unlawfully employing such child, upon conviction of the violation of any provision of this act, or of the act of which this is amendatory, shall be adjudged guilty of a misdemeanor, and shall be fined in a sum not less than five dollars nor more than twenty-five dollars for each offense, and be committed to the county jail till same is paid; all fines collected shall be paid into the county treasury for the support of the common schools. It shall be the duty of all county attorneys, for country districts, in their respective counties, and of all city attorneys, in their respective cities, to prosecute all complaints filed and actions brought under this act or under the provisions of the act of which this is amendatory. (Laws 1907, ch. 317, sec. 1.)

SEC. 89. *Incorrigible Pupils.* [7738.] In case any pupil becomes an habitual truant, or becomes a menace to the best interests of the school which he is attending,[51] then it shall be the duty of the truant officer to report said facts and conditions to the parents or guardian of said child. The parent shall be held liable under the provisions of this act for the regular attendance and good conduct of said child, unless said parent or guardian shall state in writing to said truant officer that said child is beyond the control of said parent or guardian. Then it shall be the duty of the truant officer to proceed against said pupil under the provisions of the law governing juvenile disorderly persons. Cities of the first and second class will each constitute a separate district for the administration of this act, and the truant officer or officers of such cities shall be appointed by the respective boards of education of said cities;

51. Repeated and willful disobedience of the rules of school is a menace to the best interests of the school.

provided, that there shall be in such cities but one truant officer for each 10,000 children, according to the school enumeration; provided further, that no city shall have more than five truant officers. The truant officers[52] of cities shall enforce the provisions of this act in the manner and under such penalties as are prescribed by section 2[53] of this act. (Laws 1903, ch. 423, sec. 3.)

SEC. 90. *Compensation of Truant Officers.* [7739.] The truant officers provided for in this act who are appointed by the board of county commissioners shall receive from the county treasury two dollars for each day for actual service.[54] The truant officers provided for in this act who are appointed by the board of education of any city of the first or second class shall receive from the treasury of such board of education two dollars for each day for actual service. Such truant officers shall be paid by the respective counties[55] or board of education in the same manner as other employees are paid; provided, that no warrant shall be issued either on the county treasurer or the treasurer of the board of education for such services until the truant officer shall have filed an itemized statement of the time employed in such service, and such statement shall have been certified to by the county superintendent of public instruction or by the clerk of the board of education in the city in which such truant officer is employed; provided further, that no truant officer shall receive pay for more days' service during any one year than the number of days the school is in session that year. (Laws 1903, ch. 423, sec. 4.)

SEC. 91. *Teachers and School Officers to Report.* [7740.] All school officers are hereby required to make and furnish all reports that may be required by the county superintendent of public instruction or by the board of education of any city of the first and second class with reference to the workings of this act. Every teacher employed in the public schools in the state of Kansas is hereby required, before receiving each month's salary, to make a report to the county superintendent of public instruction or to the superintendent of the city in which he may be employed, showing the names and addresses

52. Truant officers of cities of the first and second class are under the supervision of their respective boards of education or the city superintendent, who is the board's executive officer.

53. Section 88 of this book.

54. The truant officer may be appointed probation officer of the juvenile court, as provided in section 309.

55. When the county superintendent has approved the bill of the truant officer, the county commissioners (or auditor) of the county have no option but to order payment of same. Truant officers are not entitled to pay for traveling expenses. They are entitled to pay for a reasonable amount of office work in connection with their regular duties.

of all pupils who have been truant or habitually absent from school during the previous month, and stating reasons for such truancy or habitual absence in each case, if known. All such cases of truancy so reported shall be brought to the notice of the proper truant officer by the county superintendent of public instruction or by the superintendent of the city by which he is employed. (Laws 1903, ch. 423, sec. 5.)

SEC. 92. *Annual School Census.* [7741.] In order that the provisions of this act may be more definitely enforced, it is hereby provided that the enumerators[56] of school children, in taking their annual school census, shall ascertain and record the name, place[57] and date of birth of every child enumerated, and the parent, guardian or persons having charge or control of such child shall subscribe and take oath or affirmation that such record is true. The enumerator is hereby empowered to administer such oath or affirmation; and any parent, guardian or person having charge or control of any child who shall refuse to take such oath or affirmation shall be adjudged guilty of misdemeanor, and upon conviction thereof shall be fined in any sum not less than one nor more than ten dollars. (Laws 1903, ch. 423, sec. 6.)

SEC. 93. *Deaf, Mute, and Blind; Education Required.* [7742.] That every parent, guardian, company, corporation, association, person or persons within the state of Kansas having control or charge of any deaf, dumb or blind child or person between the ages of seven and twenty-one years, inclusive, shall be required to send such child or person to some suitable school where deaf and blind are taught and educated. The instruction given the deaf shall be conducted either orally or by sign method, or both, for a period of at least five months in each year; provided, that this will not apply to such child or person where skilled private instruction is given for the same length of time each year. It shall be the duty of the truant officer provided in section 2, Laws of 1903, to enforce the provisions of this act, the same as provided for the enforcement of chapter 423, Laws of 1903. (Laws 1905, ch. 384, sec. 1.)

SEC. 94. *Penalty.* [7743.] Any parent, guardian, company, corporation, association, member of any company, corporation, or association, person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be adjudged to pay a fine in any sum not to exceed $100. (Laws 1905, ch. 384, sec. 2.)

SEC. 95. *Education of Children in Asylums.* [5569.] Whenever it shall be necessary and practicable, poor children of the

56. In all districts under the supervision of the county superintendent the district clerk is the enumerator.

57. Address at the date of census.

asylums who cannot be bound out, or whom it may not be expedient to bind out, shall be educated thereat, or at the schools of the district in which such asylum may be situated, or in some adjacent district, and the board of county commissioners of any such county may arrange with such school district or districts for the education of such children and allow a reasonable tuition fee therefor. (Laws 1905, ch. 385, sec. 1.)

CHAPTER V.—CHILD LABOR.

§96. Employment of children under fourteen.
97. Employment of childdren under sixteen.
§98. Certificate of age required.
99. Duties of inspectors.
100. Penalty.

SECTION 96. *Employment of Children Under Fourteen.* [5094.] No child under fourteen years of age shall be at any time employed, permitted or suffered to work in, or in connection with, any factory, workshop not owned or operated by the parent or parents of the said child, theater or packing-house, or operating elevators, or in or about any mine. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever during the hours in which the public school is in session in the district in which said child resides. (Laws 1909, ch. 65, sec. 1.)

SEC. 97. *Employment of Children Under Sixteen.* [5095.] It shall be unlawful for children under sixteen years of age, who are employed in the several vocations mentioned in this act, or in the distribution or transmission of merchandise or messages, to be employed before seven o'clock A. M. or after six o'clock P. M., or more than eight hours in any one calendar day, or more than forty-eight hours in any one week. No person under sixteen years of age shall be employed at any occupation nor at any place dangerous or injurious to life, limb, health or morals. (Laws 1909, ch. 65, sec. 2.)

SEC. 98. *Certificate of Age Required.* [5096.] All persons, firms or corporations employing children in any of the vocations mentioned in this act under sixteen years of age shall be required to first obtain a certificate of the age of such children, based upon the school census records, the same to be secured where possible from the school superintendent, principal or teacher of the school or other person authorized by the school board to have charge of the school census records in the district or city wherein such children reside. Said certificate shall be issued without charge, and shall be substantially in the follow-form:

....., ..., Kan., ...
city *county* *date*

This certifies that ....., according to the records of the
full name
school census and from all knowledge that I can obtain, was born .....
day
....., ..., at ....., in ..... county, state of
month *year*
....., and is now ..... years and ..... month.. of age. His (or her) height is ....., weight .....,
tall—short—medium *heavy—light—medium*

complexion ....., hair ....., eyes ....., and he resides at
fair or dark *color* *color*
No. ....., ... street. (Signature) .....
..... of ..... school or district No. .....
official school position *name of school*

When said child's name and age does not appear on the school census enumeration of said city or district, then said firm, person or corporation employing such child shall secure an affidavit from the parent or legal guardian of such child, which statement shall contain the facts and data as set forth in the above certificate, and shall be certified on oath before some officer authorized to administer oaths. Such certificate or affidavit shall be sufficient protection to the employer of any child as to the age of such child, except when such employer has actual knowledge of the falsity of such certificate, and all such certificates shall be kept constantly on file in a convenient place, and shall at all times be open to inspection of the proper authorities, as provided in this act. (Laws 1909, ch. 65, sec. 3.)

SEC. 99. *Duties of Inspectors.* [5097.] It shall be the duty of the state factory inspector, state inspector of mines and their deputies to inspect the certificates hereinabove provided for, to examine children employed in factories, workshops, theaters, elevators, packing-houses and mines and the vocations mentioned in section 2 of this act as to their age, and to file complaints in any court of competent jurisdiction to enforce the provisions of this act, and it shall be the duty of the county attorney of the proper county to appear and prosecute all complaints so filed. (Laws 1909, ch. 65, sec. 4.)

SEC. 100. *Penalty.* [5098.] Any person, firm or corporation employing any person or child in violation of any provisions of this act, or permitting or conniving at such violation, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than ninety days. (Laws 1909, ch. 65, sec. 5.)

CHAPTER VI.—COUNTY SUPERINTENDENT.

§101. Qualification.
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SECTION 101. *Qualification.* [7379.] That a person to be eligible to the office of county superintendent of public instruction must hold a professional certificate, first-grade certificate, or a state certificate, or be a graduate of an accredited college or normal school, and must have taught at least eighteen months; provided, that this act shall not apply to any person now holding the office of county superintendent or to any person who is now a county superintendent elect. (Laws 1907, ch. 167, sec. 1.)

SEC. 102. *Term of Office.* [7377.] The term of office of the county superintendent of public instruction shall begin on the second Monday of May of each odd year, beginning with the year A. D. 1901. (Laws 1899, ch. 244, sec. 1.)

SEC. 103. *Oath and Bond.* [7380.] The county superintendent of public instruction shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Kansas, to faithfully discharge the duties of said office, and execute to the state of Kansas a bond in the sum of $1000, conditioned to the faithful performance of his official duties; which bond, after having been approved by the board of county commissioners, together with his official oath, shall be filed in the office of the county clerk. (Laws 1881, ch. 152, sec. 1.)

SEC. 104. *General Duties.* [7381.] It shall be the duty of the county superintendent of public instruction to visit each

school in his county at least once each term of six months,[58] correcting any deficiency that may exist in the government of the school,[59] the classification of the pupils, or the methods of instruction in the several branches taught; to make such suggestions in private to the teachers as he shall deem proper and necessary to the welfare of the school; to note the character and condition of the schoolhouse, furniture, apparatus, and grounds, and make a report in writing to the district board, making such suggestions as in his opinion shall improve the same; to examine the accounts and record-books of the district officers, and see that they are kept as required by law; to encourage the formation of associations of teachers and educators for mutual improvement, and, as far as possible, to attend the meetings of such associations, and participate in the exercises of the same; to attend the normal held in his county, using his influence to secure the attendance of teachers; to make daily a personal inspection of the work of the institute in session, and keep a record of the same in his office, and do such work in connection with the exercises of the institute as he may deem necessary;[60] to hold a public meeting in each school district of his county at least once every year, for the purpose of discussing school questions and elevating the standard of education; to keep his office open at the county-seat, Saturday of each week, and in counties in which the superintendent receives a salary of more than $600 per annum, he shall keep his office open when not necessarily absent attending to his official duties.[61] He shall keep a complete record of his official acts; a record of the name, age and post-office address of each candidate for a teacher's certificate, with the number of weeks said candidate has attended a normal school or institute, the number of weeks he has taught, his standing in each study, and the date of issue and expiration of each certificate granted. He shall keep a register of the teachers employed in his county, giving name of teacher, number of the district in which he is employed, dates of opening and closing term, salary per month, grade of certificate, and date of superintendent's visit. He shall keep a record of the semi-

58. "At least once each term of six months" is held to mean at least once each half year.

59. The power to correct deficiencies in government, classification and methods of instruction implies a direct responsibility of the teacher to the superintendent. The language of the law is clearly intended to establish this relation somewhat as it exists in city schools. Failure to pay reasonable attention to the suggestions of the county superintendent in these matters is held to be sufficient ground for withholding the teacher's certificate.

60. The county superintendent cannot receive compensation for work in connection with the normal institute.

61. The provisions of this section require the entire time of every county superintendent receiving a salary of over $600.

annual apportionments of the state and county school funds, and such other statistical records as shall be required in making reports to the state superintendent of pubic instruction. He shall make out and transmit to the state superintendent, on the last Monday of March, June, September and December of each year, a report, showing the number of school visits made, with the average length of time spent in such visits; the number of consultations held with school officers; the number of days his office has been kept open; the number of district treasurers' and clerks' record-books examined; the number of teachers' meetings attended; the number of public lectures delivered; and such other information as the state superintendent may require regarding the duties of such county superintendent; and until such report shall have been forwarded to the state superintendent, and a copy thereof filed with the county clerk for publication, and that fact certified by the said county superintendent to the board of county commissioners, the warrant for his salary shall not be drawn. The county superintendent shall obtain from the county clerk, at least ten days before the time for holding the annual school meeting each year, a certified statement of the total assessed valuation of the property in each school district in his county, and immediately certify the same to the several school-district clerks of his county, for the information of the annual school meeting; and it is hereby made the duty of said county clerk to make out said certified statement, and deliver the same to the county superintendent. (Laws 1881, ch. 152, sec. 2.)

SEC. 105. *Apportionment of School Funds.* [7382.] Within five days after receiving the certificate of the state superintendent of public instruction, informing him of the amount of state school fund which has been apportioned to his county, the county superintendent shall apportion the same, together with the unapportioned county school fund in the county treasury, among the school districts and parts of districts in such county, in the ratio of the number of persons of school age residing in each district or part of district, as shown by the last annual reports of the several clerks of such districts and parts of districts;[62] provided, that no district in which a common school has not been taught at least three months the last preceding school year shall be entitled to receive any portion of either of said funds;[63] and he shall draw his order

62. A district that refuses or neglects to have the census taken according to law forfeits its right to a share of the annual school fund.

63. A district must not only have had a common school taught at least three months during the school year ending June 30, but must also have made through its district clerk the requisite annual report for the school year in time to be included in the annual report of the county superintendent, or the county superintendent cannot legally apportion to the district a share of the next ensuing February and August dividends of the state and county school funds. In apportioning these funds, the county superintend-

on the county treasurer in favor of each of the several school-district treasurers for the amount apportioned to such district. (Laws 1881, ch. 152, sec. 3.)

SEC. 106. *School-district Boundaries.* [7383.] The county superintendent is hereby required to furnish the county clerk with a description of the boundary of each school district, on or before the last Monday in May of each year. (Laws 1887, ch. 219, sec. 1.)

SEC. 107. *Shall Furnish Map.* The county superintendent of public instruction of the several counties of the state shall, on or before March 1 of each year, furnish to each assessor within his county a map of the city or township of such assessor, showing the number and metes and bounds of every school district or part of school district within his township or city. (Laws 1885, ch. 198, sec. 3.)

NOTE.—See section 106 of this book.

SEC. 108. *Boundary Lines Reëstablished.* [Laws 1911, ch. 274, sec. 2.] That in all counties in the state of Kansas where the records of the boundary lines of school districts heretofore established in the state have been lost or destroyed, it shall be the duty of the superintendent of public instruction of said county to reëstablish said lines as nearly as possible upon the lines theretofore established, and for this purpose he may examine such witnesses as to him or the parties in interest shall seem proper and sufficient to give him such information as is necessary to carry out the provisions of this act.

SEC. 109. *Boundary Lines Reëstablished in Case of Error.* [Laws 1911, ch. 274, sec. 2.] That in any county where the records of the boundary lines of school districts heretofore established have been lost or destroyed, and an attempt has been made to reëstablish said lines, where it becomes evident to the county superintendent that the attempted reëstablishment

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ent must be governed not only by the proviso regarding the length of school term, but also by the *number* of children of school age residing in the several districts of the county, "*as the same shall appear from the last annual reports of the clerks of the respective districts.*" For purposes of apportionment, it is only from the annual report of a clerk of a district that a county superintendent can *legally* know the number of children of school age residing in the district.

In the case of the organization of a school district out of a part of the territory of another which is entitled to a portion of the state and county school funds, the newly formed district should be apportioned its just share of the funds to which the original district would have been entitled. If the division of the district was made before the time of making the annual report, the report of the new district should show the number of children resident of the territory detached from the old district, so that this apportionment may be made upon official returns. If the new district was organized after the time of making the annual report, the officers of the former district should be directed to pay to the treasurer of the new district that portion of the funds to which the children residing upon the detached territory entitle said district.

has been wrong and that a mistake has been made in the re-establishment, the said superintendent shall have the same right to reëstablish said lines as conferred in section 1 herein, notwithstanding the attempted reëstablishment heretofore made.

SEC. 110. *Annual Report.* [7384.] He shall, on or before the 15th of October of each year, make out and transmit in writing to the state superintendent of public instruction a report bearing date October 1, containing a statement of the number of school districts [64] or parts of districts in the county, and the number of children and their sex, resident in each, over the age of five and under the age of twenty-one years;[65] a statement of the number of district schools in the county, the length of time a school has been taught in each, the number of scholars attending the same, their sex, the branches taught and the text-books used, the number of teachers employed in the same, and their sex; a statement of the number of private or select schools in the county, so far as the same can be ascertained, and the number of teachers employed in the same, their sex, and the branches taught; a statement of the number of graded schools in the county, the length of time school has been taught in each, and the number of scholars attending the same, their sex, and the branches taught, the number of teachers employed in the same, and their sex; a statement of the condition of the normal school, where such school has been established, the number of students attending the same, their sex, and the number of teachers employed in the same, and their sex; a statement of the county normal institute; a statement of the number of academies and colleges in the county, and the number of students attending the same, and their sex, the number of teachers employed in each, and their sex; a statement of the amount of public money received in each district or parts of districts, and what portion of the same, if any, has been appropriated to the support of graded schools; a statement of the amount of money raised in each district by tax and paid for teachers' wages, in addition to the public money paid therefor; the amount of money raised by tax or otherwise for the purpose of purchasing school site, for building, hiring, purchasing, repairing, furnishing or insuring such schoolhouse, or for any other purpose allowed by law, in the district or parts of districts. (Laws 1881, ch. 152, sec. 5.)

64. Joint districts are reported by the superintendent under whose supervision the districts exist.

65. The annual reports of county superintendents constitute the basis upon which the state superintendent disburses the semiannual dividends to the several counties. If any county superintendent, therefore, fails to make his annual report, as required by law, the county loses its share of the state school fund, and the county superintendent becomes responsible to the county for the amount.

SEC. 111. *Compensation.* [Laws 1911, ch. 279, sec. 1.] The county superintendents of public instruction shall be allowed by the board of county commissioners of their respective counties, as full compensation for all their services in the performance of the duties required by them by statute, the following sums and no more, to be paid out of the county treasury in monthly or quarterly installments; said compensation shall be fixed by the board of county commissioners at the first meeting in July of each year, based on the enumeration of the school enumerator for that year, and the salary so fixed shall begin on July 1st of that year.

SEC. 112. *Salary Schedule.* [Laws 1911, ch. 279, sec. 2.] In counties having a school population [66] of less than 500 the county superintendent shall receive for each day actually employed in the discharge of his duties in his office the sum of three dollars per day for a number of days not to exceed 180 in any one year; in counties having a school population of from 500 to 1000 he shall receive the sum of three dollars per day for a number of days not to exceed 200 in any one year; in counties having a school population of 1000 to 1500 he shall receive the sum of $750 per annum; in counties containing more than 1500 persons of school age, exclusive of those in cities of the first and second class, he shall receive $800 and $20 per annum for each one hundred persons of school age in excess of said 1500 up to the sum of $1200; provided, that in each county the county commissioners shall add to the salary hereinbefore provided the sum of one dollar per annum for each teacher employed in the county, exclusive of those employed in cities of the first and second class; provided, that in counties of 70,000 or more population the salary of the county superintendent shall be $1800 per annum; provided further, that if the county superintendent shall fail to spend at least one hour in each school during the year, so as to observe for at least one hour the work of each teacher under his supervision, the county commissioners shall deduct from the last quarterly installment the sum of five dollars for each delinquency.

SEC. 113. *Traveling Expenses.* [7386.] That the county superintendents of the several counties in the state of Kansas shall receive the sum of one dollar per school per annum as traveling expenses in visiting said schools; provided, in no case shall any county superintendent receive traveling expenses for schools not visited. (Laws 1901, ch. 191, sec. 1.)

SEC. 114. *Miscellaneous Expenses.* [7386.] He shall also be entitled to all money actually expended for stationery, postage, freight, and express. All money paid out of the

66. "School population" is held to mean the enumeration taken annually by school-district clerks for the annual report. Such enumeration for each year should constitute the basis for the superintendent's salary for the ensuing year, beginning the first day of July.

county treasury for this purpose shall be out of the general fund of the county. (Laws 1901, ch. 191, sec. 2.)

SEC. 115. *Vacancy in Board.* [7387.] Should a vacancy occur in the board of directors of any school district, it shall be the duty of the county superintendent to appoint some suitable person, a resident of the district, to fill the same, and the person so appointed shall continue in office until the next annual meeting thereafter, and until his successor is elected and qualified. (Laws 1881, ch. 152, sec. 7.)

SEC. 116. *Vacancy in Office of County Superintendent.* [Laws 1911, ch. 278, sec. 1.] That section 7388 of the General Statutes of Kansas, 1909, is hereby amended to read as follows: Sec. 7388. When a vacancy occurs in the office of county superintendent of public instruction by death, resignation or otherwise, notice thereof shall be given by the county clerk to the board of county commissioners, who shall as soon as practicable appoint some suitable person to fill the vacancy; provided, that if the board of county commissioners are unable to make such appointment from the residents of the county, the county clerk shall notify the state superintendent of public instruction, who shall appoint some legally qualified person who is a resident of Kansas to fill the said vacancy, regardless of the place of residence of such person; and the person receiving such appointment shall before entering upon the discharge of the duties of the office acquire a residence in said county by removing thereto, and shall file his oath or affirmation and bond in the county clerk's office as provided by law, and shall hold his office until his successor is elected and qualified.

SEC. 117. *Clerks' Reports.* [7389.] He shall see that the annual reports of the clerks of the several school districts and parts of districts in his county are made correctly and in due time. (Laws 1881, ch. 152, sec. 9.)

SEC. 118. *Oaths.* [7390.] County superintendents shall have power to administer oaths in all cases in which an oath is made necessary by any provision of the school law, except in the qualifying of county superintendents and their sureties. (Laws 1881, ch. 152, sec. 10.)

SEC. 119. *Purchase of Records.* [7391.] The county superintendent of public instruction of the respective counties in this state may purchase, for each organized school district in his county not having sufficient records, one set of school-district records, consisting of district clerk's records and order-books, district treasurer's book, and a teacher's daily register. Each of said books shall contain such printed forms and instructions as will enable the teacher and the school-district officers to perform with correctness and accuracy their several duties as required by law; provided, the entire set of said records as above enumerated shall not exceed in cost four dol-

lars for each set; and the said superintendent shall draw his order or warrant on the county treasurer in favor of the person he purchases said books of, for the amount of the purchase-money, and it is hereby made the duty of said county treasurer to pay said warrant or order out of any money in his hands belonging to the respective districts in his county; provided, that no funds in the hands of the county treasurer belonging to the several school districts in his county shall be diverted from the object for which said fund was raised; and the said superintendent shall deliver the said books to the district board of each district. (Laws 1881, ch. 152, sec. 11.)

SEC. 120. *Forming and Changing Districts.*[67] [7392.] It shall be the duty of the county superintendent of public instruction to divide the county into a convenient number of school districts, and to change such districts when the interests of the inhabitants thereof require it,[68] but only after twenty days' notice thereof, by written notices posted in at least five public places in the district to be changed; but no new school district shall be formed containing less than fifteen persons of school age,[69] no district shall be so changed as to reduce its school population to less than fifteen, and none having a bonded indebtedness shall be so reduced in territory that such indebtedness shall exceed five per cent of their assessed property valuation;[70] provided, that any person interested may appeal to the board of county commissioners from the action of the county superintendent; and provided further, that the restrictions as to school population and assessed valuations of this section shall not prevent desirable changes in school-district boundaries when the proposed alteration of boundaries is approved by the board of county commissioners. The county superintendent shall number school districts when they are formed; and he shall keep in a book for that purpose a description of the boundaries of

67. The fact that the district boundary has been changed by legislative act or a district disorganized by legislative act in no respect modifies the power of the county superintendent as conferred by this section.

68. It is very desirable that the people concerned should be consulted, and the arguments on both sides carefully considered, before making important changes. After a district has issued bonds to build or purchase a schoolhouse, alterations should be discouraged until the bonds are paid. except in cases where imperative necessity demands a change. The object should be to establish strong and permanent districts.

69. New districts cannot be formed with less than fifteen persons of school age.

70. The territory that comprised a school district at the time of the creation of the bonded indebtedness is the territory liable to pay the bonds, regardless of disorganization, consolidation or changing of boundaries. Territory attached to a district is not liable to pay the bonded indebtedness of that district prior to the attachment of the territory. Detachment of territory does not increase bonded indebtedness as is intimated.

each school district and part of district in his county, with plat of the same, date of organization, date and full record of all changes of boundaries, and a list of district officers in his county, the date of election or appointment, and the time the term of each is to expire. (Laws 1907, ch. 329, sec. 1.)

SEC. 121. *Aggrieved Persons.* [7401.] If in the formation or alteration of, or refusal to form or alter school districts, any person or persons shall feel aggrieved, such person or persons may appeal to the board of county commissioners, who shall confer with the county superintendent, and their action shall be final; provided, that notice of such appeal[71] shall be served on the county superintendent within ten days of the time of posting of the notices of the formation or alteration of such district; such notice shall be in writing, and shall state fully the objections to the action of the county superintendent, a copy of which shall be filed with the county clerk, and also with the clerks of all districts affected by such alteration; and provided also, that such appeal shall be heard and decided by the majority of the board of county commissioners at their next regular meeting; and if such appeal is not sustained by them, the county superintendent shall proceed to appoint the time and place for said first district meeting, which shall then proceed as by law required. (Laws 1876, ch. 122, art. 3, sec. 5.)

SEC. 122. *Notice of First Meeting.* [7393.] Whenever a school district shall be formed in any county, the county superintendent of public instruction of such county shall, within fifteen days thereafter, prepare a notice of the formation of such district, describing its boundaries, and stating the number thereof. He shall cause the notices thus prepared to be posted in at least five public places in the district, and, in case there shall be no appeal, shall in ten days thereafter in like manner appoint a time and place for a special district meeting, for the election of officers and the transaction of such business as is prescribed by law for special school-district meeting. (Laws 1881, ch. 152, sec. 13.)

SEC. 123. *Division of Property.* [7400.] When a new district is formed, in whole or in part, from one or more districts possessing a schoolhouse or entitled to other property, such new district shall be formed only between April 1 and September 1 of the same year, and the county superintendent shall determine the value of the school property of the school district, including taxes due, and deducting all indebtedness except

NOTE.—See section 174 for the valuation requirement for the formation of new districts or the alteration of district boundaries.

71. No appeal can be made to the county commissioners unless the county superintendent posts notices of the formation or alteration of a school district.

bonded indebtedness. There shall be due to the new district[72] from the old district the proportion of the value of the school property that the assessed valuation of property of the new district bears to the assessed valuation of the property of the old district. The county superintendent shall certify to the county clerk the proper tax levy against the taxable property of the old district to pay the amount due the new district. (Laws 1909, ch. 207, sec. 1.)

SEC. 124. *Depopulated District.* [7414.] That when a school district having a floating indebtedness, consisting of outstanding school orders, is now or shall hereafter become depopulated, it shall be the duty of the county commissioners, on information furnished by the county superintendent, to provide for the payment of such outstanding indebtedness by making a levy of taxes therefor upon the property of such depopulated district, which shall be extended by the county clerk on the tax-roll the same as other taxes; provided, that no levy shall

72. For the division of school property under the provisions of this section, the following rules are recommended, viz.:

FIRST RULE.

To be applied in dividing school property which has been procured with the proceeds of district taxes: (1) Find the *assessed valuation* of the taxable property of the undivided district, as returned on the last assessment roll of the county. (2) Find, in like manner, the *assessed valuation* of the taxable property of the territory which is to be cut off, and which does not retain the school property. (3) Find the *present value* of the school property of the undivided district, including moneys raised from district taxes and remaining in the treasury at the time the division is made, after discharging all indebtedness except bonded indebtedness. (4) Multiply the *present value* of the school property by the assessed valuation of the territory which is to be cut off. That product, divided by the assessed valuation of the undivided district, gives the amount due to the territory which is to be cut off.

SECOND RULE.

To be applied in dividing such school property as consists of moneys received by the undivided district from the state and county school funds: (1) Find the number of children of school age residing in the undivided district, as given in the last annual report of the clerk of the district. (2) Find, in like manner, the number of children of school age residing in the territory which is to be cut off, and which does not retain the school property. (3) Find the amount of state and county school money remaining in the treasury of the undivided district at the time the division is made, after discharging all indebtedness except bonded indebtedness. (4) Multiply the residue of state and county school moneys by the number of children residing in the territory which is to be cut off. That product, divided by the number of children of school age residing in the undivided district, gives the amount of state and county school moneys due to the territory which is to be cut off.

The same principle of division of property is to be followed in case the new district is formed from parts of two or more districts.

The county superintendent of public instruction should make the division of school property *at the time* of forming a new school district, but his failure to do so at the time does not impair the rights of said district.

exceed twenty mills[73] on the dollar in any one year. (Laws of 1893, ch. 135, sec. 1.)

SEC. 125. *County Treasurer Shall Pay.* [7415.] That the county treasurer shall pay all school orders mentioned in the preceding section out of any funds standing to the credit of the school district on which said school orders are drawn; provided, that the county superintendent's order for the payment of the same shall be attached to such school order. (Laws 1893, ch. 135, sec. 2.)

SEC. 126. *County Superintendents May Disorganize.* [7416.] That the county superintendent may, in his discretion, after all indebtedness[74] has been fully paid and canceled, declare such depopulated school district disorganized, and attach the territory belonging thereto to adjoining school districts. (Laws 1893, ch. 135, sec. 3.)

SEC. 127. *When Depopulated.* [7417.] The term "depopulated school district" as used in this act shall be held to mean a school district having fewer than five legal voters therein and fewer than seven persons between the ages of five and twenty-one years; such fact to be determined by the county superintendent. It shall be the duty of the county superintendent, upon the filing of a written request by the holder of an outstanding school order, to make an investigation of the school district issuing such order, and report to the board of county commissioners the facts as to the population as aforesaid; and such report shall be conclusive on that question. (Laws 1907, ch. 322, sec. 1.)

SEC. 128. *Partially Depopulated Districts.* [7418.] That the superintendent of public instruction in any county is hereby empowered to disorganize partially depopulated school districts in his county; or in counties where joint school districts exist, the superintendent having jurisdiction over the major portion of said school districts shall have full power to act, and the officers in said county shall have full control to levy tax, and certify the same to the proper officers out of said county having taxable property in said joint school districts, who shall place the same on the tax-rolls of their respective counties, and collect the same as other school tax levied in their respective counties, and when collected they shall pay the same to the proper officers of said county in which said major portion is located, taking a receipt therefor, and the county treasurer and county superintendent shall proceed to disburse said funds so collected the same as in section 7[75] of this act. (Laws 1901, ch. 307, sec. 1.)

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73. Four mills. Changed by Laws 1909, ch. 245, sec. 25 (section 344 of this book).

74. Does not refer to bonded indebtedness.

75. See section 133 of this book.

SEC. 129. *Partially Depopulated District; Definition.* [7419.] For the purposes of this act, a school district shall be deemed partially depopulated when the number of persons resident thereof over the age of five years and under the age of twenty-one years shall be less than twelve. (Laws 1907, ch. 323, sec. 1.)

SEC. 130. *Petition.* [7420.] That such action shall not be taken by the county superintendent of any such county unless there shall be presented to him a petition signed by two-thirds of the *bona fide* residents of such school district having the qualifications of school-district electors, and who have resided continuously for one year in said school district, requesting such disorganization; provided, that such disorganization shall not be final until approved by the board of county commissioners of the county in which the disorganized school district is situated; and provided further, that in any such school districts where the whole number of district electors shall be less than six, and the number of residents of such district over the age of five years and under the age of twenty-one years shall be less than five, the county superintendent shall act without petition, when so directed by the board of county commissioners of such county. (Laws 1901, ch. 307, sec. 3.)

SEC. 131. *County Superintendent May Attach.* [7421.] The county superintendent may attach the territory of any school district disorganized under the provisions of this act to any adjacent school district or school districts, but such attachment shall not become effective until approved by the board of county commissioners. (Laws 1901, ch. 307, sec. 4.)

NOTE.—See section 33 of this book for disposition of bonded indebtedness of disorganized school districts.

SEC. 132. *Floating Indebtedness.* [7423.] That if any school district so disorganized shall at the time of its disorganization have a floating indebtedness consisting of outstanding school orders, it shall be the duty of the county commissioners of the county, on information furnished by the county superintendent, to provide for the payment of such outstanding indebtedness by making a levy of taxes therefor upon all the real and personal property in the territory of the disorganized school district, which tax shall be entered by the clerk of the county on the tax-roll the same as other taxes; provided, that no such levy shall exceed ten mills[76] on the dollar of the assessed valuation in any one year. (Laws 1901, ch. 307, sec. 6.)

SEC. 133. *Orders Paid by County Treasurer.* [7424.] That the county treasurer shall pay all school orders mentioned in the preceding section out of any fund collected from the school taxes created by the special levy provided for in section 6 of

76. Two and one-half mills. Changed by Laws 1909, ch. 245, sec. 25 (section 344 of this book).

this act;[77] provided, that no such school order shall be paid unless accompanied by an order from the county superintendent directing its payment. (Laws 1901, ch. 307, sec. 7.)

SEC. 134. *Disposition of Funds.* [7425.] If at the time of the disorganization of any school district as herein provided for such district shall have in the hands of its treasurer or of the county treasurer of the county moneys belonging to it, or any unpaid taxes levied for the payment of its indebtedness, bonded or floating, such money shall be first applied to its indebtedness, floating and bonded; and if any money remain thereafter, then such money shall be distributed among the school districts to which such territory shall be attached, in such manner and amount as shall be directed by the county superintendent, who shall include in the order for the disorganization of such district an order for the distribution of its moneys as herein provided. (Laws 1901, ch. 307, sec. 8.)

SEC. 135. *Disposition of Property.* [7426.] The buildings and other property which may belong to any school district which may be hereafter disorganized shall be sold by the county superintendent to the highest bidder for cash in hand, after having given thirty days' public notice thereof by publication in a newspaper published in said county and by posting not less than five written or printed notices in conspicuous places in said district. The proceeds of said sale shall be deposited with the county treasurer of said county and shall be applied to the payment of debts of said school district, giving the preference to floating debts, if there be any. If there be no debts, or if there be any proceeds left after the payment of debts, said proceeds shall be turned into the county school fund for the use and benefit of the school district to which said disorganized territory is attached; provided, that the school district to which said territory is attached may bid for and purchase said property and pay for same out of general fund. (Laws 1901, ch. 307, sec. 9.)

SEC. 136. *Territory Not Liable.* [7427.] The territory of any school district so disorganized shall not be liable for any debt, floating or bonded, or any contract of any district to which it may be attached existing at the time of such attachment. (Laws 1901, ch. 307, sec. 10.)

SEC. 137. *Annexation of School Districts.* [7440.] Whenever any school district within this state shall fail or neglect to maintain a school for at least three months in one year, for a consecutive term of three years, such school district shall be annexed to adjoining districts; provided, that this act shall not apply to districts that have made proper levies for the tuition and transportation of its pupils to other schools. (Laws 1909, ch. 206, sec. 1.)

77. Section 132 of this book.

SEC. 138. *Division of Districts Annexed.* [7441.] For the purpose of carrying out this act it shall be the duty of the county superintendent to divide such districts in such a manner as to equalize as nearly as practicable the territory in area and taxable property. (Laws 1909, ch. 206, sec. 2.)

SEC. 139. *Employ Deputy.* [7394.] He shall discharge such other duties as may be prescribed by law, and in case of sickness or temporary absence he may employ a deputy. He shall deliver to his successor, within ten days after the expiration of his term of office, all books and papers appertaining to his office. (Laws 1881, ch. 152, sec. 14.)

SEC. 140. *Neglect or Refusal to Perform Duty.* [7395.] Every county superintendent who shall neglect or refuse to perform any act which it is his duty to perform, or shall corruptly or oppressively perform any such duty, he shall forfeit his office, and shall be liable on his official bond for all damages occasioned thereby, to be recovered in the name of the state for the benefit of the proper party, district, or county. (Laws 1881, ch. 152, sec. 15.)

SEC. 141. *Agent of State Orphans' Home.*[78] [8526.] The superintendents of public instruction in the several counties of the state are hereby designated as the agents of the Soldiers[79] Orphans' Home in their respective counties. It shall be the duty of said agents to visit the children who are placed in homes in their respective counties twice each year, and at such other times as the superintendent of the home may request; and they shall make written reports of the condition of each child visited, upon blanks to be provided by the board of trustees for that purpose, and forward the same to the superintendent of the home, who shall record and file the same in a proper manner. Said agents shall receive, as full compensation for the services performed under the provisions of this act, their actual necessary official expenses, together with the sum of three dollars, in full for all services and report of each case visited, but not exceeding three dollars for any day's services. All accounts for such services shall be rendered to the superintendent of said home, and shall be verified, audited and paid in the same manner as other accounts against said home are paid. (Laws 1889, ch. 236, sec. 6.)

SEC. 142. *Unlawful for County Superintendents to Purchase School Lands.* [7671.] It shall be unlawful for the county superintendent appointing the appraisers, or the persons appraising the lands, to purchase, either directly or indirectly,

78. This section is probably repealed by implication by the following laws: Sections 44, 45 and 46, chapter 353, Laws of 1901; section 6, chapter 482, Laws of 1903; section 13, chapter 475, Laws of 1905.

79. The name was changed to "State Orphans' Home" in 1909.

any portion of the lands appraised by them. (Laws 1876, ch. 122, art. 14, sec. 18.)

SEC. 143. *Trespassers on School Lands.* [7679.] It shall be the duty of the county superintendent of public instruction, the district directors, clerks and treasurers, and all sheriffs and constables, to take notice of all trespasses committed on school-lands in their respective counties, and immediately file a complaint against any person violating this act, before the proper authorities. (Laws 1876, ch. 122, art. 14, sec. 30.)

CHAPTER VII.—CONSOLIDATION.

§144. Temporary consolidation of districts by county superintendent.
145. Procedure in consolidation.
146. Consolidation with district containing a graded school.
147. Transporting scholars.
§148. Powers and duties of district board.
149. County superintendent to be notified.
150. Record boundaries.
151. Property of districts.
152. Name.

SECTION 144. *Temporary Consolidation of Districts by County Superintendent.* [7428.] The county superintendent of public instruction may, when any two or more adjoining school districts have less than five pupils each of school age, combine the pupils of such districts, and provide for a term of school, which shall be divided among the districts so combined as he shall deem most convenient, and to which the pupils of each shall be admitted; he shall prorate the expense between the districts in proportion to the number of pupils from each, and shall certify same to the county clerk on or before the 1st day of August of each year, and the board of county commissioners shall levy a tax against the property of said district sufficient to raise the amount shown by the said certificate; provided, that whenever the school population of such districts so combined or of any school district shall become less than five no term of school shall be held, but provision shall be made by the county superintendent for sending pupils to other schools, as now provided by law in the case of districts which vote to have no school, and in no case shall more than one school be held at the same time in any school district, consolidated or otherwise, unless there be a regular attendance of at least five *bona fide* pupils for each of the additional schools in said district. All contracts with teachers shall be made subject to the provisions of this act. (Laws 1901, ch. 307, sec. 11.)

SEC. 145. *Procedure in Consolidation.* [Laws 1911, ch. 275, sec. 1.] By order of the district board, or by a written petition of twenty-five per cent of the voters of any school district, the clerk of said school district shall post printed notices as required for school-district meetings, calling a school-district meeting at the schoolhouse of said district for the purpose of voting upon a proposition to consolidate said school district with one or more school districts as stated in said notices. The vote in any district may be made conditional on a similar proposition carrying in part or all of the districts voting. In any school district voting on the proposition a majority of the votes cast shall be sufficient to carry the proposition in said district. The vote at such school-district meeting shall be by ballot, which shall read "For consolidation" or "Against consolidation." Upon such proposition being carried, the clerk of said school district shall thereupon, in writing, notify the

county superintendent of such action. Upon rceiving such notice, it shall be the duty of the county superintendent to designate a time and place for a meeting for the purpose of electing a school board, consisting of a director, clerk and treasurer, notice of which meeting shall be given by printed notices posted in five public places in the districts uniting. As soon as such officers are elected and have taken the oath of office, the county superintendent shall declare the old districts disorganized; provided, that said school board is authorized to maintain separately till the end of the term any schools that may be in session at the time of consolidation.

SEC. 146. *Consolidation with a District Containing a Graded School.* [Laws 1911, ch. 275, sec. 2.] Any school district may be annexed to a school district containing a graded school upon a proposition for such annexation receiving a majority of votes cast at an election called for that purpose as provided for in section 1 of this act, and upon said proposition receiving the approval of the district board of the school district containing said graded school. Upon the county superintendent receiving notification that such proposition has been carried at said election and approved by the school board of the school district containing the graded school, the county superintendent shall annex said district. Such annexation shall take place in accordance with section 7435 of the General Statutes of 1909, and after such district is formed it shall be governed by the provisions governing consolidated districts. A graded school for the purpose of this act shall be one in which two or more teachers are employed.

SEC. 147. *Transportation of Pupils.* [Laws 1911, ch. 275, sec. 3.] The district board of consolidated school districts shall provide for the comfortable transportation of the pupils of said districts living two or more miles from the school by the usually traveled road in a safe and enclosed conveyance or conveyances, and shall establish such rules and regulations as may be necessary for carrying out the provisions of this section.

SEC. 148. *Powers of District Meetings and of District Board.* [Laws 1911, ch. 275, sec. 4.] The annual or special meetings of consolidated school districts shall have such general powers and duties as are provided by law for school-district meetings.[80] The duties and powers of the district board of consolidated districts shall include those provided by law for district boards.

SEC. 149. *County Superintendent Notified.* [7433.] Upon the organization of such union school districts, as hereinbefore provided, the clerk of the board thereof shall notify the county superintendent in writing that such action has been taken. (Laws 1901, ch. 305, sec. 3.)

SEC. 150. *Record Boundaries.* [7434.] The boundary of

80. See chapter XXXI of this book.

the union district, when formed, shall include the territory of the districts so uniting, and the county superintendent shall, upon proper notice thereof, at once make a record of such boundary; provided, that by vote of the electors of any district uniting to form a union district part of the district may unite with one union district and part with another adjacent union district. (Laws 1901, ch. 305, sec. 4.)

SEC. 151. *Property of Districts.* [7435.] Upon the organization of such union school district, all school property, except as hereinbefore provided, heretofore owned by the several districts so uniting, shall at once become the property of such union school district, and the board of directors of the said union school district are hereby authorized to dispose of any or all such property as the best interests of such district may require. (Laws 1901, ch. 305, sec. 5.)

SEC. 152. *Name.* [7437.] Such union school district, when formed, shall be known as union school district No. —, county of ———, state of Kansas, and be a body corporate, with power to sue and be sued. (Laws 1901, ch. 305, sec. 7.)

SEC. 153. *Powers and Duties of District Board.*[81] [7438.] The duties and powers of the board of directors heretofore mentioned shall be the same as those provided by law for school-district boards. (Laws 1901, ch. 305, sec. 8.)

81. See chapter X of this book.

CHAPTER VIII.—COUNTY SCHOOL FUND.

§154. County treasurer shall collect all moneys due to the county school fund.
155. County clerk shall report amount of county school fund to county superintendent.
156. Justices shall report to county superintendent proceeds of fines and estrays.
157. Moneys and property, delivered to whom.
§158. No compensation.
159. Penalty if county treasurer fails to pay over.
160. Unclaimed money shall be paid by administrator into county school fund, when.
161. Fines and penalties paid into common-school fund.

SECTION 154. *County Treasurer.* [7730.] The county treasurer shall collect all moneys due the county for school purposes from fines, forfeitures, or proceeds from the sale of estrays, and all moneys paid by persons as equivalent for exemption from military duty; and he shall, upon proper application of the district treasurer of any district in the county, pay over to the said district treasurer the amount apportioned to the district by the county superintendent.[82] He shall also collect the delinquent taxes on real estate in any district, in the same manner as county taxes are collected, whenever such delinquent tax list shall have been lawfully reported and returned to him, and he shall pay the same over to the treasurer of the district to which such delinquent taxes are due; and if any county treasurer shall refuse to deliver over to the order of the county superintendent any school money in his possession, or shall use or permit to be used for any other purpose than is specified in this act any school money in his possession, he shall on conviction thereof be adjudged guilty of a misdemeanor, and be punished by a fine not exceeding $500, or by imprisonment in the county jail not exceeding one year. (Laws 1876, ch. 122, art. 17, sec. 1.)

SEC. 155. *County Clerk.* [7731.] The county clerk of each county shall, on the first Mondays of March and July of each year, make out and transmit to the county superintendent a true statement of any county school money then in the county treasury. (Laws 1876, ch. 122, art. 17, sec. 3.)

SEC. 156. *Justice of the Peace.* [7732.] Each justice of the peace shall report to the county superintendent, on the 1st day of March and on the 25th day of July of each year, the amount received from the proceeds of fines and estrays during the six months preceding, and belonging to the school fund of the county; and each justice of the peace, at the time of making his report to the county superintendent, shall promptly pay

82. The county school fund is added to the allotment received from the state school fund and apportioned as one fund by the county superintendent.

all of said proceeds to the county treasurer, to be disbursed by the county superintendent at the next ensuing semiannual dividend. (Laws 1876, ch. 122, art. 17, sec. 3.)

SEC. 157. *Moneys and Property.* [7733.] All persons having school moneys or other school property in their possession, by virtue of any act heretofore passed, are hereby required to pay over and deliver the same to the proper officers provided for by this act. (Laws 1876, ch. 122, art. 17, sec. 4.)

SEC. 158. *No Compensation.* [7734.] No county treasurer shall receive any compensation for disbursing or receiving either county or state school moneys. (Laws 1876, ch. 122, art. 17, sec. 5.)

SEC. 159. *Fine.* [7735.] Any county treasurer who shall neglect or fail to pay over any school money in the treasury, on application, shall be subject to a fine of not less than $500 for every such neglect or failure. (Laws 1876, ch. 122, art. 17, sec. 6.)

SEC. 160. *Unclaimed Moneys.* [7698.] If any sum of money directed by an order of the court to be distributed to heirs, next of kin or legatees shall remain for the space of one year unclaimed, the executor or administrator shall pay over the same to the treasurer of the county for the benefit of common schools of the county. (Laws 1876, ch. 122, art. 15, sec. 7.)

SEC. 161. *Common-school Fund.* [6908.] All fines and penalties imposed, and all forfeitures incurred, in any county, shall be paid into the treasury thereof, to be applied to the support of common schools. (Gen. Stat. 1868, ch. 82, sec. 332.)

CHAPTER IX.—DISTRICT SCHOOLS.

§162. Branches taught in common schools; instruction in English language.
163. School month defined.
164. District schools free to all resident children.
165. Penalty for violation of this article; shall not apply to officers of cities of first and second class.
166. Pupils with contagious diseases excluded, when.
167. When a tuition fee may be assessed.
168. Minimum term.
169. State and county aid.
§170. Duties of county superintendent and county commissioners.
171. Duties of county superintendent, state superintendent and state treasurer.
172. Amount apportioned to each district.
173. County superintendent to provide school, when; penalty.
174. Restrictions on the formation of new districts.
175. Appropriation.
176. Schools discontinued, when; compensation.

SECTION 162. *Branches Taught.* [7478.] That in each and every school district shall be taught orthography, reading, writing, English grammar, geography, arithmetic, history of the United States, and history of the state of Kansas, and such other branches as may be determined by the district board;[83] provided, that the instruction given shall be in the English language. (Laws 1903, ch. 435, sec. 1.)

SEC. 163. *School Month.* [7479.] A school month shall consist of four weeks of five days each, of six hours per day. (Laws 1876, ch. 122, art. 5, sec. 2.)

SEC. 164. *Free Schools.* [7480.] The district schools established under the provisions of this act shall at all times be equally free and accessible to all the children resident therein over five and under the age of twenty-one years, subject to such regulations as the district board in each may prescribe. (Laws 1876, ch. 122, art. 5, sec. 3.)

SEC. 165. *Penalty.* [7481.] The members of any district board wilfully violating any of the provisions of this article, or refusing the admission of any children into the common schools, shall forfeit to the county the sum of $100 each for every month so offending during which such schools are taught; and all moneys forfeited to the common-school fund of the county under this act shall be expended by the county superintendent for the education of such children in the school district denied such equal educational advantages; provided, that any member of said board who shall protest against the action of his said board in excluding any children from equal educational advantages, or in violating any of the provisions of this article, shall not be subject to the penalty herein named; and provided further, that the provisions of this act

83. By Laws of 1885, chapter 169, section 1, physiology and hygiene, with special reference to the effects of alcoholic stimulants and narcotics upon the human system, must also be taught in each public school supported by public money and under state control. (See section 85 of this book.)

shall not apply to cities of the first or second class. (Laws 1877, ch. 170, sec. 2.)

SEC. 166*a*. *Contagious Disease.*[84] [7482.] No pupil infected with any contagious disease shall be allowed to attend any common school, or remain in any schoolroom while so infected. (Laws 1876, ch. 122, art. 5, sec. 5.)

SEC. 166*b*. *Not Attend School; Contagious Disease.* [8079.] No person afflicted with any infectious or contagious disease dangerous to the public health shall be admitted into any public or private school. No parent, guardian, tutor, or other person having charge or control of children, whose residence is infected with smallpox, cholera, scarlet fever, diphtheria, epidemic cerebro-spinal meningitis, or other infectious or contagious disease dangerous to the public health, shall allow or permit them to attend any public or private school during the continuance of such infection, or until the premises have been thoroughly disinfected and all danger from contagion has passed. (Laws 1901, ch. 285, sec. 6.)

SEC. 167. *Tuition Fee.* [7483.] Whenever there be not public money enough belonging to any school district to support a public school the length of time determined at the annual meeting, or at a special meeting duly called, the district board, to meet said deficiency, may assess a tuition[85] fee upon each scholar attending such school, the assessment to be proportioned to the number of days each pupil has been in actual attendance during the term; provided, that no tuition fee shall be levied upon the scholars in any of the public schools of this state, in accordance with the provisions of this act, unless the entire amount of one per cent for teachers' wages, as required by law, be first assessed upon the taxable property of said school district. (Laws 1876, ch. 122, art. 5, sec. 6.)

SEC. 168. *Minimum Term.* [Laws 1911, ch. 268, sec. 1.] That all school districts in which provision is not made for the free tuition and comfortable transportation of all pupils to a public school in some other school district or districts for not less than seven months each school year shall maintain a public school for a period of not less than seven months between the 1st day of September, and the 1st day of the following June. Cities of the first and second class shall maintain not less than eight months of school each school year.

SEC. 169. *State and County Aid.* [Laws 1911, ch. 268, sec. 2.] That for the purpose of providing at least seven months of school each year for all the youth of this state, whose parents or guardians live in public-school districts the funds of which are not sufficient to maintain school for seven months, there shall be paid to each such district by the state, as here-

84. This is not suspension as designated in section 214.

85. See note 159, sec. 430.

inafter provided, three-fourths of the difference between the amount necessary to maintain seven months' school and the annual income of the district from all sources, and the remaining deficiency to the amount of one-fourth shall be a proper charge upon the county and paid as other county expenditures; provided, that no aid shall be given any public-school district unless said district shall have voted an amount of money representing not less than four and one-half mills of the assessed valuation of such district; and provided further, that all districts receiving aid under the provisions of this act shall follow the course of study as prescribed by the State Board of Education and shall employ a qualified teacher recommended by the county superintendent.

SEC. 170. *Duties of County Superintendent and County Commissioners.* [Laws 1911, ch. 268, sec. 3.] That it shall be the duty of the superintendent of each county within the state, on or before August 1st of each year, under oath, to certify to the county clerk an estimated amount that will be due the several school districts under the provisions of this act from the county (and it shall then be the duty of the commissioners to provide a levy sufficient to raise the amount required for the current school year); provided, that such estimate shall include a statement as to each district concerned as to valuation, area, school census and proposed total expenditures for teacher and incidental expenses.

SEC. 171. *Duties of County Superintendent, State Superintendent and State Treasurer.* [Laws 1911, ch. 268, sec. 4.] That it shall be the duty of the superintendent of each county within the state, on or before the second Monday in January of each year, under oath, to certify to the county treasurer the total amount due each district from the state and from the county, and also to certify to the state superintendent of public instruction the number of each school district in his county entitled to state and county aid under the provisions of this act, the tax levy for each, the expenditures of each, the amount due each from the state, the area, the school census, and such other items as the state superintendent may require. It shall be the duty of the state superintendent, on or before the last Monday in March of each year, to certify the amount of state aid due the several districts under the provisions of this act to the several county treasurers, and the amount due each county to the state auditor, and the state auditor shall draw warrants on the state treasurer in favor of the various counties for the sums as specified by the state superintendent. The state treasurer shall remit said amount to the county treasurers of the several counties entitled to the same, who shall place the amounts to the credit of the proper districts of their respective counties in accordance with the instruction of the state superintendent and as certified by the county su-

perintendent; provided, that at the same time the several amounts due from the county to said districts shall be placed to the credit of such districts.

SEC. 172. *Amount Apportioned to Each District.* [Laws 1911, ch. 268, sec. 5.] That to determine the amount to be apportioned to each district, the county superintendents shall find the estimated expenditures of the district for the current year and subtract therefrom the estimated income of that district from all sources for the current year. The estimated income for the current year shall be the sum of all moneys belonging to the district on hand in the district and county treasuries, plus the amount which a levy of a four and one-half mills tax upon the assessed value of the district will raise, plus the estimated apportionment of state and county funds, as now provided by law. The estimated expenditures for the current year shall be the amount necessary to provide for a teacher, fuel and incidentals, and to maintain school for seven months; and shall not exceed the sum of $450 for any one year to schools receiving such state and county aid.

SEC. 173. *County Superintendent to Provide a School, When; Penalty.* [Laws 1911, ch. 268, sec. 6.] That upon the failure of any school district to carry out the provisions of section 1 of this act the county superintendent shall make the required tax levy and certify the same to the county clerk and proceed to carry out said provisions; and after September 1, the school district neglecting to act, he shall employ a teacher and make all necessary provisions for a seven months' term of school, and the district treasurer shall pay such itemized expenses as are certified to by the county superintendent. The county superintendent shall be liable under section 7395 of the General Statutes of 1909 for neglect or refusal to perform his duties as provided in this act.

SEC. 174. *Restrictions on the Formation of New Districts.* [Laws 1911, ch. 268, sec. 7.] That new districts shall not be formed with an assessed valuation of less than $100,000, and territory shall not be detached from any school district the assessed valuation of property of which is less than $100,000, or the valuation of property of which would thereby be reduced below $100,000.

SEC. 175. *Appropriation.* [Laws 1911, ch. 268, sec. 8.] That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, the sum of $75,000 for the fiscal year beginning July 1, 1911, and $75,000 for the fiscal year beginning July 1, 1912, or as much thereof as may be necessary to carry out the provisions of this act; provided, that if the amount appropriated above is not sufficient to pay the full sum to which each district is entitled under the provisions of this act, it shall be divided *pro rata* among the several

districts in proportion to the amount asked for by the county superintendent; provided further, that the one-fourth to be paid by the county shall if insufficient be prorated among the districts entitled to such aid.

SEC. 176. *Schools Discontinued, When; Compensation.* [Laws 1911, ch. 268, sec. 9.] That the provisions of this act shall not apply to districts having an enumeration of less than fifteen children of school age, unless said districts embrace an area of twelve square miles or more; provided, that whenever the number of children of school age in any school district having an area of less than twelve square miles shall be found to be less than fifteen by the annual school census no school shall be maintained in such school district during the following year (unless such a district by reason of its valuation is able to maintain a seven months' school without state or county aid), and the district board of such district shall make provision for sending, for a period of not less than seven months, the pupils of such school district to such school or schools in an adjacent district or districts as said district board may determine; provided, that there is a school in an adjacent district to which said district may send the pupils. As full compensation for the tuition of said pupils the treasurer of the district from which said pupils are sent shall pay, in the manner prescribed by law, to the treasurer of the district or to the board of education of the school to which said pupils are sent an amount not to exceed the average cost per pupil per week for maintaining the school, exclusive of school buildings, school site and permanent improvements; provided further, that the district board of the district in which school is discontinued shall provide for the transportation of the pupils of said district, living two miles or more from the school to which said pupils are sent, to such school or schools in a safe and comfortable and enclosed conveyance or conveyances, properly heated, and the expense of such transportation shall be paid by said school district in which school has been discontinued; provided further, that when any school district within the provisions of this act, having voted an amount of money representing not less than four and one-half mills of the assessed valuation of such district, finds its funds insufficient to pay the tuition and cost of transportation as herein provided, the state shall pay to said district schools three-fourths of the difference between the amount raised by said district from all sources for school purposes and the cost of tuition and transportation of pupils therein, and the county shall pay from the general fund one-fourth of said difference; provided, that not more than seventy-five dollars shall be given to any district whose school has been discontinued according to the provisions of this act; and provided further, that pupils attending school in another school district under the provisions of this act shall have the same legal rights, including the right of admission, and be under the same

jurisdiction as the pupils residing in the school district in which the school is conducted; provided, that such admission shall not involve the addition of a school building or school buildings, or the employment of an additional teacher; provided, that any district having an area of less than twelve square miles and a school population of less than fifteen may maintain its school for not less than seven months each year, and such district shall not receive state and county aid in excess of fifty dollars.

CHAPTER X.—DISTRICT OFFICERS.

§177. Officers; term of office.
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181. Duty of district clerk.
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185. County treasurers.
186. Treasurer pay no money, when.
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188. Penalty for false report.
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190. Fine for failure to report district tax to county clerk.
191. Shall report to county superintendent, what.
192. District and city clerks, and clerks of boards of education, shall report bonded indebtedness to county clerk.
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§199. Procedure, if he does not pay over moneys to his successor.
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201. Shall have care of property of district.
202. May open schoolhouse for the use of religious, political, literary, scientific, mechanical or agricultural societies.
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204. May admit non-resident pupils, when.
205. Discontinue schools; send children to other districts.
206. Send children to other districts, when.
207. Conveyance of pupils.
208. District boards authorized to provide transportation.
209. Shall hire qualified teachers; may dismiss teachers for cause.
210. Employment of relatives.
211. Contracts void.
212. Records and reports.
213. Shall provide necessary appendages, when.
214. May suspend a pupil for cause; appeal.
215. Shall furnish teachers with daily register; shall visit schools.
216. Shall cause district clerk to certify to county clerk the percentage of district taxes, when.
217. Judgments, how obtained; the board liable, when.

SECTION 177. *Officers; Term.* [7443.] The officers of each school district shall be a director, clerk, and treasurer, who shall constitute the district board,[86] and who shall be elected and hold their respective offices as follows; At the annual meeting in 1874 there shall be elected a director, who shall hold his office for three years; a clerk, who shall hold his office for two years; and a treasurer, who shall hold his office for one year;[87] and thereafter at each annual meeting there shall be elected one member of said board in place of the outgoing member, who shall hold his office for three years, and until his successor shall be elected and qualified.[88] (Laws 1876, ch. 122, art. 4, sec. 1.)

86. The officers of a school district constitute the board of directors in such sense as to be able to transact the school business of the district *only when in session as a district board.* As the law is silent as to how, when and where the district board shall convene, each board should adopt a set of rules for its own government.

87. The clerk is elected in 1912, the director in 1913, and the treasurer in 1914.

88. *Compensation of District Officers.* Neither the district meeting nor

SEC. 178. *Official Oath.* [7444.] School-district officers before entering upon their official duties shall take an oath to faithfully perform said duties;[89] and the chairman of any regular or special meeting is hereby authorized and empowered to administer such oath.[90] (Laws 1876, ch. 122, art. 4, sec. 2.)

SEC. 179. *Office Forfeited.* [7445.] Every person duly elected to the office of director, clerk or treasurer of any school district, who shall refuse or neglect, without sufficient cause, to qualify within twenty days after his election or appointment, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this act, shall thereby forfeit his right to the office to which he was elected or appointed, and the county superintendent shall thereupon appoint a suitable person in his stead.[91] (Laws 1876, ch. 122, art. 4, sec. 3.)

SEC. 180. *Director.* [7446.] The director of each district shall preside at all district meetings, and shall sign all orders drawn by the clerk, authorized by a district meeting or by the district board, upon the treasurer of the district, for moneys collected or received by him to be disbursed therein. He shall appear, for and in behalf of the district, in all suits brought by or against the district, unless other direction shall be given by the voters of such district, at a district meeting. (Laws 1876, ch. 122, art. 4, sec. 4.)

SEC. 181. *Clerk.* [7447.] The clerk of each district shall record the proceedings of his district in a book provided by the district for that purpose, and enter therein copies of all reports made by him to the county superintendent; and he shall keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office. (Laws 1876, ch. 122, art. 4, sec. 5.)

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the district board has the right to authorize or direct the payment of any compensation from the public fund to members of the board for their services.

See section 483 for the term of officers chosen at special meetings. They hold their offices until their successors are elected and qualified.

89. *Neglect of Duty.* Where a district officer neglects or refuses to perform a duty, the proper proceeding to compel performance is a writ of mandamus.

90. A district officer can qualify before the chairman of a district meeting, the county superintendent, or any one authorized by law to administer oaths.

91. A county superintendent cannot remove a district officer. Such removal can be made only by an action brought in court. The vacancy being declared, the county superintendent shall appoint. A member of the district board cannot continue to act as a member thereof after he ceases to be a resident of the district, nor has he the right to appoint a deputy to discharge the duties of the office. See section 115 with regard to filling vacancies on the district board.

SEC. 182. *Clerk of the Board.* [7448.] The said clerk shall be clerk of the district board and of all district meetings, when present;[92] but if such clerk shall not be present at any district meeting, the voters present may appoint a clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district. (Laws 1876, ch. 122, art. 4, sec. 6.)

SEC. 183. *Draw Orders.* [7449.] The clerk of the district shall draw orders on the treasurer of the district for moneys in the hands of such treasurer which have been apportioned to or raised by the district, to be applied to the payment of teachers' wages, and apply such money to the payment of the wages of such teachers as shall have been employed by the district board; and said clerk shall draw orders on the said treasurer for moneys in the hands of such treasurer, to be disbursed for any other purpose ordered by a district meeting[93] or by the district board, agreeable to the provisions of this act.[94] (Laws 1876, ch. 122, art. 4, sec. 7.)

SEC. 184. *Clerk's Annual Report.*[95] [7450.] The clerk of each district shall, at least five days previous to the annual meeting in July of each year, make a written report, which he shall submit and read to the legal voters of the district at the annual meeting for their information and consideration. If any change or alteration therein be necessary, the same shall be made, and it shall then be transmitted to the county superintendent of public instruction. Said report shall show: (1) The number of children,[96] male or female, designated separately, residing in the district or part of district on the last day of June previous to the date of such report, over the age of five and under the age of twenty-one years; (2) the number of children attending school during the year, their sex, and branches studied; (3) the length of time a school has been

92. In transacting the school business of the district, the members of the board should meet as a district board, the clerk making a complete record of all proceedings. Members of the school-district board have not the right to enter into contract obligating said board outside of a regular meeting, and such meeting is not legal unless *all* members have been notified of the call for the same.

93. A clerk can legally draw an order upon the treasurer for the disbursement of moneys without a meeting of the district board, if the same has been authorized by a district meeting or by the district board at any prior meeting. Example: Order for teacher's wages.

94. Should the director or other member of the board refuse to sign a legal order, payable to any party legally entitled to receive it, such officer may be compelled, by writ of mandamus, to sign.

95. This section should be amended to be in harmony with the annual meetings held in April. In school districts holding their annual meeting in April, the school census cannot be reported, as it must show the number of persons of school age of the date of June 30.

96. See sections 91 and 92 of this book.

taught in the district by a qualified teacher, the name of the teacher, the length of time taught by each teacher, and wages paid; (4) the amount of money received from the county treasurer, arising from disbursement of the state annual school fund, the amount received from district taxes, and the amount received from all other sources during the year, and the manner in which the same has been expended; (5) the amount of money raised by the district each year, and the purposes for which it was raised; (6) the kind of books used in the schools, and such other facts and statistics[97] in regard to the district school as the county superintendent may require. (Laws 1889, ch. 220, sec. 2.)

SEC. 185. *County Treasurers.* [7451.] All county treasurers in this state are hereby required to notify clerks of all school districts in their respective counties, by mail or otherwise, ten days prior to the time fixed by law for holding the annual district meeting, of the amount of money drawn from the treasury by the district treasurer of his district since the commencement of the past school year, and shall also state in the same notification the balance remaining on hand, if any, in the county treasury to the credit of the respective districts. (Laws 1889, ch. 220, sec. 3.)

SEC. 186. *Treasurer Pay No Money, When.* [7452.] The county treasurer shall pay no money to the district treasurers of his county after the close of the school year, June 30, until after the annual district meetings of the school districts have been held. (Laws 1889, ch. 220, sec. 4.)

SEC. 187. *Clerk of Joint District.* [7453.] Whenever a school district shall lie partly in two or more counties, the clerk of such district in making his annual report shall carefully designate the number of children resident in the parts of the counties composing the district, and shall report to the county superintendent of public instruction of each of the counties in which such district may be partly situated. (Laws 1876, ch. 122, art. 4, sec. 9.)

SEC. 188. *False Report; Penalty.* [7454.] Every clerk of a district who shall wilfully sign a false report to the county superintendent of his county shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding $100, or by imprisonment not exceeding three months. (Laws 1876, ch. 122, art. 4, sec. 10.)

SEC. 189. *Report to County Clerk.* [7455.] It shall be the duty of the several district clerks in this state to make out a certified list of all persons residing within their respective districts liable to pay taxes, and transmit the same to the county clerks of their respective counties on or before the 25th day of

97. The clerk is required to furnish such data as the county superintendent requires.

August annually, except in incorporated cities. (Laws 1876, ch. 122, art. 4, sec. 11.)

SEC. 190. *Penalty for Failure to Report.* [7456.] Any district clerk who shall fail to report the tax voted by his district to the county clerk, as is provided by law, shall be liable to a fine of not less than fifty dollars; and it is hereby made the duty of the county superintendent to have the provisions of this act enforced. (Laws 1876, ch. 122, art. 4, sec. 12.)

SEC. 191. *Other Reports.* [7457.] The district clerk shall report to the county superintendent in writing the names and post-office addresses of the district officers elect, within two weeks after the said officers shall have been elected or appointed and qualified. The clerk shall also report to the county superintendent the time of the commencement of each term of school, within two weeks from the commencement of such term. (Laws 1876, ch. 122, art. 4, sec. 13.)

SEC. 192. *Report of Indebtedness.* [9604.] That in addition to the duties now required by law of the following officers, to wit, township clerks and clerks of incorporated cities, school-district clerks and clerks of boards of education, they shall each of them make and transmit to the clerk of their respective counties, on or before the 5th day of July in each year, a complete certified statement of the floating and bonded indebtedness, with date of issuing and maturing of outstanding bonds; amount of sinking-fund, if any, for redeeming the same; and such other information as may be required by the county clerk concerning the financial condition of their respective townships, cities, or districts; and when no outstanding indebtedness exists, such fact shall be reported. (Laws 1877, ch. 90, sec. 1.)

SEC. 193. *Records.* [7464.] Every school-district clerk or treasurer who shall neglect or refuse to deliver to his successor in office all records, books and papers belonging to his office shall be subject to a fine not exceeding fifty dollars. (Laws 1876, ch. 122, art. 4, sec. 20.)

SEC. 194. *Treasurer; Bond.* [7458.] The treasurer shall execute to the district a bond in double the amount, as near as can be ascertained, to come into his hands as treasurer during the year, with sufficient securities, to be approved by the director and clerk, conditioned to the faithful discharge of the duties of said office.[98] Such bond shall be justified by the affidavit of the principal and his sureties; provided, that the director of the district or the county superintendent of public instruction shall be authorized to administer the oaths in the justification of the treasurer and his sureties. And said

98. It is not proper for either the director or the clerk to become surety for the treasurer. It is not necessary that the treasurer's bondsmen be residents of the district, though they ought to reside in the county. The bond becoming insufficient from any cause, the director and clerk may require the bond to be made good.

bond shall be filed with the district clerk, and in case of the breach of any conditions thereof, the director shall cause a suit to be commenced thereon, in the name of the district, and the money collected shall be applied by such director to the use of the district, as the same should have been applied by the treasurer; and if such director shall neglect or refuse to prosecute, then any householder in the district may cause such prosecution to be instituted. (Laws 1879, ch. 156, sec. 1.)

SEC. 195. *Duties.* [7459.] The treasurer of each district shall pay out, on the order of the clerk, signed by the director of the district, all public moneys which shall come into his hands for the use of the district.[99] (Laws 1876, ch. 122, art. 4, sec. 15.)

SEC. 196. *Receive School Moneys.* [7460.] The county treasurer shall pay to each district treasurer in the county all school moneys in the county treasury belonging to the district, upon the order of the director and clerk of the district; provided, that said order shall be accompanied by a certificate from the district clerk, stating that the treasurer of the district has executed and filed his bond as required by law. (Laws 1876, ch. 122, art. 4, sec. 16.)

SEC. 197. *District Taxes.* [7461.] Where a school district tax has been voted, and from the fault or negligence of any officer, or any other cause, has not been levied and collected in any year, the same shall be added to and collected with the taxes of the year following; and the county treasurer shall pay over to the treasurers of the respective school districts all taxes he may have collected for the said districts, on the order of the district clerk, countersigned by the director, subject to the proviso contained in section 52 of this act.[100] (Laws 1876, ch. 122, art. 4, sec. 17.)

SEC. 198. *Records and Reports.* [7462.] The treasurer shall keep a book in which he shall enter all the moneys received and disbursed by him, specifying particularly the sources from which money has been received and the person or persons to whom and the objects for which the same has been paid out. He shall present to the district, at each annual meeting, a report in writing, containing a statement of all moneys received by him from the county treasurer during the year; also, all moneys collected by him during the year from assessments in the district, and of the disbursements made by him, with the items of such disbursements, and exhibit the vouchers therefor, which report shall be recorded by the district clerk; and at the close of his term of office shall settle with the dis-

99. *Registration.* When a warrant is presented and not paid for want of funds, it is the duty of the treasurer to register the same, and, when the proper funds are received, to pay said warrant, and all others which have been similarly presented, in the regular order of registration.

100. Section 196 of this book.

trict board, and shall hand over to his successor said book, and all receipts, vouchers, orders and papers coming into his hands as treasurer of the district, together with all the moneys remaining in his hands as such treasurer. (Laws 1876, ch. 122, art. 4, sec. 18.)

SEC. 199. *Prosecution for Failure.* [7463.] If any district treasurer shall refuse or neglect to pay over any money in his hands belonging to the district, it shall be the duty of his successor in office to prosecute without delay the official bond of such treasurer, for the recovery of such money.[101] (Laws 1876, ch. 122, art. 4, sec. 19.)

SEC. 200. *Powers of Board.* [7465.] The district board shall purchase or lease such a site for a schoolhouse as shall have been designated by the voters at a district meeting, in the corporate name thereof, and shall build, hire or purchase such schoolhouse as the voters of the district in a district meeting shall have agreed upon, out of the funds provided for that purpose, and make sale of any schoolhouse site or other property of the district, and, if necessary, execute a conveyance of the same in the name of their office, when lawfully directed by the voters of such district at any regular or special meeting, and shall carry into effect all lawful orders of the district. (Laws 1876, ch. 122, art. 4, sec. 21.)

SEC. 201. *School Property.* [7466.] The district board shall have the care and keeping of the schoolhouse and other property belonging to the district. They shall have power to make such rules and regulations relating to the district library as they may deem proper, and to appoint some suitable person to act as librarian, and to take charge of the school apparatus belonging to the district. (Laws 1876, ch. 122, art. 4, sec. 22.)

SEC. 202. *Use of Schoolhouse.* [7476.] The district board shall have the care and keeping of the schoolhouse and other property belonging to the district. They are hereby authorized to open the schoolhouse for the use of religious, political, literary, scientific, mechanical or agricultural societies[102] belonging in their district, for the purpose of holding the business or public meetings of said societies, under such regulations as the school board may adopt.[103] (Laws 1876, ch. 125, sec. 1.)

SEC. 203. *Removal of Schoolhouse, etc.* [7475.] That whenever a scholhouse or other improvements have been made upon

101. See section 193 of this book for penalty for refusing or neglecting to turn over all records to successor.

102. The law restricts the board to the several societies named in the above election. The board cannot legally open the schoolhouse for uses other than the above, aside from the use of the schoolhouse for all business connected directly with the schools of the district.

103. This section does not mean that school boards *must* open the schoolhouse for the purposes mentioned, but that they *may*, if they think it best to do so.

the claim of any settler upon any of the public, Indian or railroad lands within this state, to which the said settler had no title, it shall be lawful for the school directors of the proper school district to remove the said schoolhouse or other improvements from the said claim at any time within one year from the time that the settler in any given case may acquire a title to his said claim; provided, that if the said settler, in any given case, shall convey to said board of school directors one acre of the land upon which said schoolhouse or other improvements are situated, the same shall not be removed; and provided further, that if any schoohouse shall have been built of stone, brick, or frame, costing not less than $500, the probate judge of the county shall appoint three disinterested persons, who shall appraise and condemn one acre of such land upon which said improvements shall have been located; and it shall be the duty of the school director of such district to pay the owner of such land the value of such land as found by said appraisers. (Laws 1876, ch. 122, art. 4, sec. 32.)

SEC. 204. *Non-resident Pupils.* [7467.] The district board shall have power to admit scholars from adjoining districts. (Laws 1876, ch. 122, art. 4, sec. 23.)

SEC. 205. *Discontinue Schools.* [7412.] In any school district, if in the judgment of the district board, the county superintendent concurring, the number of children in said district and the distance of same from the schoolhouse would not warrant the continuance of the school in said district, it shall then be lawful for the district, at its annual or special meeting called for the purpose hereinafter stated, and called in accordance with the law providing for special meetings in school districts, to make provision for the sending of the children of such district to such other school or schools as may seem in their judgment best, and for such purpose the school board is authorized to issue the warrants of said district in payment of expenses and tuition of such children; provided, such expense and tuition shall not exceed ten dollars per month for each child nor forty-five dollars in any one month for all of said children that may be sent to other schools; and provided further, that such discontinuance of the school in said district shall not bar the district from its share of the state school fund, if said children are continued in the school or schools of other districts the full time required by law for the maintenance of school in the districts. (Laws 1905, ch. 386, sec. 1.)

SEC. 206. *Send Children to Other Districts.* [7413.] If in any school district there are children for whom it will be more convenient, by reason of distance from the school of the district where they live, to attend school in another district, the annual school meeting may make an order sending such chil-

dren to the school of some other convenient district,* and the school board is hereby authorized to issue the warrants of the district in payment of the extra expense and tuition of such children; provided, that not exceeding four dollars per month shall be paid for each child; provided further, that the children of any property-owner owning land in any adjoining school district, other than in towns and incorporated cities, may have the privilege of attending school in such adjoining district without extra expense and tuition, when such school is more convenient by reason of distance from the school of the district in which they live.† (Laws 1907, ch. 321, sec. 2.)

SEC. 207. *Conveyance of Pupils.* [7429.] That in any school district where there are pupils living not less than two miles and not more than three miles from the schoolhouse the school board of such district may, and where there are pupils living three miles or more from the schoolhouse such school board shall, allow to the parent or guardian of such pupils a sum not to exceed fifteen cents per day, for not to exceed one hundred days in each year as compensation for conveying[104] such pupils to and from the school; provided, that no such compensation be allowed unless the pupil is actually conveyed to and from the school. (Laws 1907, ch. 327, sec. 1.)

SEC. 208. *District Boards Authorized to Provide Transportation.* [Laws 1911, ch. 273, sec. 1.] That the district board of any school district may provide for the comfortable transportation of pupils of said school district living two and one-half or more miles from the school attended, by the usual traveled road, in a safe and enclosed conveyance or conveyances, properly heated, and said district board is authorized to establish such rules and regulations as may be necessary for carrying out the provisions of this act.

SEC. 209. *Teachers.* [7468.] The district board in each district shall contract with and hire qualified teachers[105] for

* It is not mandatory on a school district to receive the pupils ordered to be sent to it in accordance with this provision.

† The supreme court has decided that this provision is constitutional. (See, *Evans v. School District No. 46,* 81 Kan. 385.)

104. The law means "not to exceed fifteen cents per day" for each conveyance, regardless of the number of pupils conveyed. The district board must allow a reasonable amount, and usually fifteen cents is reasonable.

105. It is held (1) that a "qualified" teacher is one holding a legal certificate; a contract with any other than a legally qualified teacher is not a legal contract; (2) should the teacher's certificate expire by limit of date during a term of school, said teacher must procure a new certificate or the contract becomes null and void; and (3) a contract to teach made by a district board with a member of said board is contrary to public policy. See note — as to the lack of authority of the district meeting to determine who the teacher shall be.

and in the name of the district,[106] which contract shall be in writing, and shall specify the wages per week or month as agreed upon by the parties, and such contract shall be filed in the district clerk's office,[107] and, in conjunction with the county superintendent, may dismiss for incompetency, cruelty, negligence, or immorality.[108] (Laws 1876, ch. 122, art. 4, sec. 24.)

SEC. 210. *Employment of Relatives.* [7524.] Any person being related to a school-district officer as husband or wife, son or daughter, shall not be eligible to the position of teacher in such school district, unless employed by a unanimous vote of all the members of such board. (Laws 1901, ch. 304, sec. 1.)

SEC. 211. *Contracts Void.* [7525.] Any contract made in violation of this act[109] shall be null and void, and any school-district officer so violating shall be liable to the person or persons so employed for all claims such person or persons may have against such district for wages. (Laws 1901, ch. 304, sec. 2.)

SEC. 212. *Records and Reports.* [7484.] It shall be the duty of the teachers of every district school or graded school to keep, in a register for this purpose, a daily record of the attendance and the deportment of each pupil, and of the recitations of each pupil in the several branches pursued in said school, and to make out and file with the district clerk, at the expiration of each term of the school, a full report of the whole number of scholars admitted to school during such term, distinguishing between male and female, the text-books used, the branches taught, and the number of pupils engaged in the study of said branches, and any other information the district board or county superintendent may require.[110] The wages of a teacher for the last month of a school term shall not be paid by any district board, unless said teacher shall

106. *Contract.* It is not legal for a school-district board, previous to the annual meeting, to employ teachers for the new term of school.

107. Teachers are entitled to pay for the time during which school is dismissed due to the prevalence of a contagious disease in the district.

108. *Janitor Work.* In the absence of any law making it the duty of the teacher to assume the responsibility of janitor work necessary for the comfort and good order of the school under her charge, such work being necessary and indispensable, and further, since the provision for the equipment of the school is clearly the duty of the board, the inference certainly must be that the care of the schoolhouse property belongs to the district board, and in no way can it be construed as a part of the teacher's duties, unless the contract entered into by the same shall so provide. Teachers cannot collect pay for janitor service unless the contract so provides.

109. See section 210 of this book.

110. See section 91 of this book for additional reports required under the compulsory-education law.

have complied with the requirements of this section. (Laws 1876, ch. 122, art. 6, sec. 1.)

SEC. 213. *Necessary Appendages.* [6469.] The district board shall provide the necessary appendages [111] for the schoolhouse during the time a school is taught therein, and shall keep an accurate account of all expenses thus incurred, and present the same for allowance at any regular district meeting. (Laws 1876, ch. 122, art. 4, sec. 25.)

SEC. 214. *Suspend Pupil; Appeal.* [7470.] The district board may suspend, or authorize the director to suspend,[112] from the privileges of a school, any pupil guilty of immorality or persistent violations of the regulations of the school, which suspension shall not extend beyond the current quarter of the school; provided, that the pupil suspended shall have the right to appeal from the decision of said board of directors to the county superintendent, who shall, upon a full investigation of the charges preferred against said pupil, determine as to his guilt or innocence of the offense charged, whose decision shall be final.[113] (Laws 1876, ch. 122, art. 4, sec. 26.)

SEC. 215. *District Board's School Duties.* [7471.] The district board shall furnish each teacher with a suitable daily register, and shall visit together, or by one or two of their number, all the schools of their district, at least once a term, and at such other periods during the term as in their opinion the exigencies of each school may require; at which visits they shall examine the register of the teacher and see that it is properly kept, and inquire into other matters touching the schoolhouse, facilities for ventilation, furniture, apparatus, library, studies, discipline, modes of teaching, and improvement of the school;[114] shall confer with the teacher in regard

111. The term "appendages" should be construed broadly, so as to include necessary improvements, such as well, privy, fence, etc. (30 Kan. 378.)

112. Pupils between the ages of eight and fifteen can be suspended only temporarily, when they are required by the compulsory-attendance law to attend school. (See section 87.) Cases of incorrigibility come within the jurisdiction of the juvenile court when the accused is under the age of sixteen years. (See section 87.)

113. The right of the teacher to punish for misconduct extends from the time the pupil leaves home to go to school until he returns home from school. This, however, does not relieve the parent from control of the child on his way to and from school. The control of school children on their way to and from school should be exercised concurrently by the parents and teacher. In case of grave misconduct, the teacher can suspend a pupil until the board can be notified of such action, except when required by the compulsory-attendance law to attend school. Due diligence must be used by the teacher to serve notice on the board.

114. A school board has a right to make a rule requiring constant and prompt attendance at school, such a rule having in view the securing of the very object contemplated in the law establishing public schools. The

to condition and management, and make such suggestions as in their view would promote the interest and efficiency of the school and the progress and good order of the pupils. The date and results of such visits shall be entered by the clerk of the board on their minutes.[115] (Laws 1876, ch. 122, art. 4, sec. 27.)

SEC. 216. *Taxes.* [Laws 1911, ch. 271, sec. 1.] That section 7473 of the General Statutes of 1909 is hereby amended so as to read as follows: Sec. 7473. It shall be the duty of the school-district clerk to certify to the county commissioners of their respective counties, on or before the 25th day of July, annually, the aggregate amount by them determined in each district to be necessary for school purposes. Upon the receipt of such certification the county commissioners shall, on or before the first Monday in August, annually, levy on the real and personal property in each district, as returned by the assessment roll of the county, a percentage which will produce an amount equal to and not exceeding by more than five per cent the amount certified by the district clerk; provided, however, no levy shall exceed four and one-half mills. And the county clerk is hereby authorized and required to place the same on the tax roll of said county, in a separate column or columns, designating the purpose for which such taxes were levied; and the said taxes shall be collected by the county treasurer and paid over to the treasurers of the respective school districts in the county, with the same power and restrictions and under the same regulations and in all respects as to the sale of real or personal property. He shall be authorized and he is hereby required to act according to the provisions and requisitions of the law for the collection of taxes for state and county purposes.

SEC. 217. *Judgments.* [7474.] Whenever any final judgment shall be obtained against any school district, the district board shall levy a tax on such taxable property in the district for the payment thereof.[116] Such tax shall be collected as other school-district taxes, but no execution shall issue on such judgment against the school district; and in case the district board

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interests of the pupil and of all the members of the school require promptness and regularity in attendance. Courts have held that such a rule may be enforced. See chapter IV of this book.

115. *Powers of District Board.* The district board has the power to prescribe the necessary rules and regulations for the management and government of the school. They may require a classification of pupils with respect to the branches of study pursued, and with respect to proficiency or degree of advancement in the same, and that there shall be prompt attendance, diligence in study, and proper deportment. The course of study is prescribed by the state board of education. See section 46 of this book.

116. A judgment tax may be levied in addition to the three and one-half mills for general school purposes, and the amount of tax which may be levied to pay a judgment is not limited.

neglect to levy a tax as aforesaid for the space of thirty days after such judgment shall become final, or in case the proper officer shall neglect to collect the tax levied within the time and in the manner provided by law, then the judgment creditor of the district may have and recover a judgment against the officer or officers so in default for the amount due him on such judgment against the district, with costs, upon which execution shall issue. (Laws 1876, ch. 122, art. 4, sec. 31.)

CHAPTER XI.—FINES AND PENALTIES.

§218. Jurisdiction of justices of the peace.
219. Fines and penalties, how collected.
220. Penalty for receiving bonus from publisher of school-books.
§221. Officers prohibited from taking contracts, doing work for profit, or furnishing material.

SECTION 218. *Jurisdiction.* [7549.] Justices of the peace shall have jurisdiction in all cases in which a school district is a party interested, when the amount claimed by the plaintiff shall not exceed $100; and the parties shall have the right of appeal, as in other cases. (Laws 1876, ch. 122, art. 9, sec. 1.)

SEC. 219. *How Collected.* [7550.] All fines and penalties not otherwise provided for in this act shall be collected by an action in any court of competent jurisdiction. (Laws 1876, ch. 122, art. 9, sec. 2.)

SEC. 220. *Penalty for Receiving Bonus.* [7551.] If the state superintendent, or any county superintendent of public instruction, shall receive from the publisher of any school-books, or from any other person interested in the sale or introduction of any book into the public schools in the state, any money or bonus in any manner as an inducement for the recommendation or introduction of any such book into the public schools of the state, such superintendent shall, upon conviction thereof before any court of competent jurisdiction, be found guilty of a misdemeanor, and shall be fined in a sum not less than $1000 nor exceeding $5000, or shall be imprisoned in the penitentiary for any time not less than one year nor more than five years, or both such fine and imprisonment. (Laws 1876, ch. 122, art. 9, sec. 3.)

SEC. 221. *Officers Prohibited from Taking Contracts, Doing Work for Profit, or Furnishing Material.* [2873.] That all officers, state and county, and all officers appointed or elected for the purpose of overseeing and directing any of the public improvements of the state, and all officers holding and exercising any office of trust or profit under and by virtue of any law of the state, be and they are hereby prohibited from taking any contract, or performing or doing or having performed or done for their own profit, any work in and about the office holden by them, or in or about any work over which they have in whole or in part the supervision, direction or control, and from furnishing any materials used in any such work, and from furnishing for the use of any institution, public work, county, township, or other interest, the protection of which interest is a part of the duties of his office, any firewood, clothing, materials for building, or other things required by such institution, public work, county, township or other interest so in the keeping, in whole or in part, of such person. (Laws 1867, ch. 132, sec. 4.)

CHAPTER XII.—FIRE PROTECTION.

§222. Doors of schoolhouses.
223. Exits, fire-escapes.
224. Furnaces.
225. Plans of buildings submitted to state architect.
§226. Inspection, duty of school boards.
227. Fire drills.
228. Penalty.
229. Time for compliance.

SECTION 222. *Doors of Schoolhouses.* [7851.] That the doors of all public or private schoolhouses of more than one story shall open outwards, and all doors of schoolhouses shall remain unlocked while school is in session. (Laws 1909, ch. 209, sec. 1.)

SEC. 223. *Exits, Fire-escapes.* [7852.] That in every public or private schoolhouse of two or more stories every story above the first shall be provided with either two or more exits from the upper floor separate and distinct from the exits of the lower floor, or shall be provided with sufficient and suitable fire-escapes,[117] which shall be built of iron or steel. (Laws 1909, ch. 209, sec. 2.)

SEC. 224. *Furnaces.* [7853.] That the tops of all furnaces in public and private schoolhouses shall be covered with asbestos covering or masonry, and the top of such furnace shall not be nearer than eighteen inches to the nearest woodwork above. The ceiling above said furnaces shall be covered with asbestos. (Laws 1909, ch. 209, sec. 3.)

SEC. 225. *Plans of Buildings Submitted to State Architect.* [7854.] That no contract shall be let for the erection of any school building, nor shall any public funds be paid out for the erection of schoolhouses of two or more stories, until the plans for such buildings shall have been submitted to the state architect and approved as to all the requirements of this act. (Laws 1909, ch. 209, sec. 4.)

SEC. 226. *Inspection; Duty of School Boards.* [7855.] That each county superintendent shall annually inspect each public-school building, including the county-high-school building, in districts under his supervision; and the mayor or fire marshal shall annually inspect all public and private school buildings in cities of the second class; and the fire marshal shall annually inspect all public and private school buildings in cities of the first class.* The examining officer under this section shall report to the respective school boards having jurisdiction any violation of this act, or any conditions which he may deem dangerous, or which will in any way prevent a speedy exit

117. A ladder fire-escape is not a "suitable" fire-escape for a schoolhouse.

* See sections 845-847, General Statutes of 1909, concerning the condemning of buildings in cities of the third class.

from the building, and it shall be the duty of said school board when thus notified immediately to make such changes as are required by this act, and such boards are hereby authorized to draw upon their general revenue funds, without further appropriation, to comply with all the requirements of this act. (Laws 1909, ch. 209, sec. 5.)

SEC. 227. *Fire-drills.* [7856.] That in every public or private school having more than one hundred pupils (excepting colleges and universities) a fire-drill and summary dismissal from the building shall be practiced at least once each month at some time during school hours, aside from the regular dismissal at the close of the day's session. (Laws 1909, ch. 209, sec. 6.)

SEC. 228. *Penalty.* [7857.] That any officer or member of a school board who shall permit any provisions of this act to be violated for sixty days may be removed from his office by a civil action. Independent of such civil action, any officer, member of a school board, city superintendent, principal or teacher violating any provision of this act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars or more than five hundred dollars, or by imprisonment in jail not exceeding six months, or by both such fine and imprisonment; provided, however, that this act shall not prevent the prosecution and punishment of an officer or other person under the ordinary provisions of the crimes act for death or injury to any child in a public or private school occasioned by the negligence of such officer or other person. (Laws 1909, ch. 209, sec. 7.)

SEC. 229. *Time for Compliance.* [7858.] That within sixty days after the taking effect of this act the provisions of section 1 of this act must be fully complied with, and within one hundred and twenty days the provisions of sections 2 and 3 must be complied with; and any neglect to comply with the provisions of this act beyond the times herein specified shall subject the officers and persons named in this act to the penalties prescribed in this act. (Laws 1909, ch. 209, sec. 8.)

CHAPTER XIII.—HIGH SCHOOLS.

ARTICLE I.

§230. High-school tuition.
231. County treasurer collect taxes.
232. High-school fraternities; unlawful to belong to.
§233. Expulsion for membership in fraternities.

SECTION 230. *High-school Tuition.* [7790.] That all school districts located in counties not maintaining a county high school are hereby authorized, at each annual meeting of the several school districts, to levy, in the manner provided by law for the levying of other taxes, tax sufficient to pay in full the tuition in a high school in the county or any adjoining county in which said district is located of each and every scholar whose parents or guardians are actually residing in said districts in good faith who shall desire to attend the said high school during the next ensuing year; the number of such scholars to be ascertained and determined by the clerk of said district immediately prior to the holding of the annual meeting of said district; provided, however, that the provisions of this act shall not apply to any county in which was adopted the provisions of chapter 397 of the Session Laws of 1905. (Laws 1907, ch. 336, sec. 1.)

SEC. 231. *County Treasurer Collect Taxes.* [7791.] The taxes provided for in section 1 of this act shall be paid to the county treasurer of the various counties as other taxes are paid, and when so collected shall be turned over to the school-district treasurer and receipted for by him as other school moneys, and he shall keep separate accounts of such funds, and shall pay the same out for the purposes mentioned in this act upon the same terms and conditions as other school-district moneys are paid out. (Laws 1899, ch. 250, sec. 2.)

SEC. 232. *High-school Fraternities; Unlawful to Belong to.* [7752.] It shall be unlawful for the pupils of any high schools to participate in or be members of any secret fraternity or secret organization whatsoever that is in any degree a school organization. (Laws 1907, ch. 320, sec. 1.)

SEC. 233. *Expulsion for Membership in Fraternities.* [7753.] Any boards of education or board of trustees of county high schools are hereby authorized and empowered to deny to any student regularly enrolled in such high school, who shall violate section 1 of this act, any or all of the privileges of such high school or to expel such student for failure or refusal to comply with the requirements of this act. (Laws 1907, ch. 320, sec. 2.)

ARTICLE II.—COUNTY HIGH SCHOOLS IN COUNTIES HAVING A POPULATION OF OVER 6000.

§234. What counties may establish.
235. Election, how called.
236. Ballots canvassed.
237. Trustees elected, when and how.
238. Officers of board of trustees; quorum.
239. Levy by trustees.
240. Levy limited.
241. Levy limited.
242. Taxes levied and collected.
243. Duties of treasurer and secretary of high school.
244. Site to be selected and purchased by board of trustees; may lease suitable buildings.
245. Principal and assistant teachers to be employed by board of trustees.
§246. Three courses of study shall be provided.
247. Tuition; rules and regulations to be adopted by the board of trustees.
248. Non-resident pupils, admitted when.
249. Principal shall make rules and regulations for government of school.
250. Rights and privileges of those graduating from normal course.
251. Report of trustees to board of county commissioners.
252. Vacancies in board of trustees, how filled.
253. Salary of trustees.

SECTION 234. *What Counties.* [7765.] Each county having a population of 6000 inhabitants or over, as shown by the last state or federal census, may establish a county high school on the conditions and in the manner hereinafter prescribed, for the purpose of affording better educational facilities for pupils more advanced than those attending district schools, and for persons who desire to fit themselves for the vocation of teaching. (Laws 1886, ch. 147, sec. 1.)

SEC. 235. *Election.* [7766.] When one-third of the electors of a county, as shown by the returns of the last preceding election, shall petition the board of county commissioners requesting that a county high school be established in their county, at a place in the said petition named, or whenever the said county commissioners shall at their discretion think proper, they shall give twenty days' notice previous to the next general election, or previous to a special election called for that purpose, that they will submit the question to the electors of said county whether such high school shall be established, and at the place specified, at which election the electors of the county shall vote by ballot for or against establishing such high school. The notice contemplated in this section shall be given as are all legal notices of a general or of a special election. (Laws 1886, ch. 147, sec. 2.)

SEC. 236. *Ballots Canvassed.* [7767.] After said election the ballots on said question shall be canvassed in the same manner as in the election of county officers, and if a majority of all the votes cast shall be in favor of establishing such high school, the county commissioners shall immediately proceed to appoint six persons, who shall be residents and freeholders of the county, but no more than two of whom shall be residents of the same commissioner district, who shall, with the county superintendent of instruction,[118] constitute a board of trustees for said school. Each of said trustees appointed as aforesaid

118. The county superintendent is entitled to vote on all questions coming before the board of trustees.

shall hold his office until his successor is elected and qualified, and shall be required, within ten days after appointment, to qualify by taking the usual oath of office and by giving such bond as may be required by said county commissioners for the faithful discharge of his duties. (Laws 1903, ch. 432, sec. 1.)

SEC. 237. *Trustees Elected, When.* [7768.] At the next general election after said appointment, there shall be elected [119] six high-school trustees, but no more than two of whom shall be residents of the same commissioner district; three of whom shall serve for two years and three of whom shall serve for four years, the respective terms to be decided by lot; these terms to be known and designated as short term and full term, respectively. Each two years thereafter there shall be elected three trustees, but no more than one of whom shall be a resident of the same commissioner district, to serve a term of four years, to succeed those whose term is about to expire. In those counties in which county high schools have already been established, the present high-school trustees shall serve until after the election in 1904, at which time six county-high-school trustees shall be elected, but no more than two of whom shall reside in the same commissioner district, and all of the above provisions shall thereafter apply to said counties. Said trustees shall qualify and enter upon the duties of their office in the same manner and at the same time as other county officers. (Laws 1903, ch. 432, sec. 2.)

SEC. 238. *President, Secretary, and Treasurer.* [7769.] The county superintendent [120] shall, by virtue of his office, be president of said board of trustees. At their first meeting in each year they shall appoint from their own number a secretary and treasurer, who shall perform the usual duties devolving upon such officers, and shall hold office for one year, or until their successors are appointed and qualified. Said treasurer shall give such additional bond as the county commissioners shall deem sufficient. A majority of said board shall constitute a quorum for the transaction of all business, but four votes shall be required to decide any question. (Laws 1886, ch. 147, sec. 5.)

SEC. 239. *Levy by Trustees.* [7770.] That the board of trustees of any county high school in the state of Kansas shall at its first meeting, and annually thereafter before the first day of August of each succeeding year, make an estimate of the amount of funds needed for building purposes, for the payment of teachers' wages, for contingent purposes, and all other educational purposes connected with said high school, and having

119. County-high-school trustees are to be elected by the entire county.

120. The county superintendent cannot legally be allowed any additional compensation for services as a member of the county-high-school board except where his salary is on a *per diem* basis.

made such estimate shall make an annual levy sufficient to raise the amount desired for such purposes. But in no case shall the tax for such purposes exceed in one year the amount of the levy allowed by law on the taxable property of the county. (See note.) (Laws 1909, ch. 211, sec. 1.)

NOTE.—Limited to five-tenths of one mill by Laws 1909, ch. 245, sec. 14 (section 302 of this book).

SEC. 240. *Levy Limited.* [9407.] For the purpose of maintaining the county high schools provided for by chapter 147, Laws of 1886, the board of trustees shall not levy to exceed five-tenths of one mill on the assessed valuation of the county. (Laws 1909, ch. 245, sec. 14.)

SEC. 241. *Levy Limited.* [Laws 1911, ch. 261, sec. 1.] For the purpose of maintaining county high schools provided for by chapter 147, Laws of 1886, the board of trustees shall not levy to exceed six-tenths of one mill on the assessed valuation of the county; provided, this act shall not apply to counties having a valuation in excess of $30,000,000; provided, that this act shall not apply to counties having county high schools which were established after 1904.

SEC. 242. *Taxes Levied and Collected.* [7771.] Said rate of tax shall be certified to the county clerk of the county in which said county high school is situated, by the president and secretary of said board of trustees, and the said county clerk is hereby authorized and required to place the same on the tax-rolls of the county, and said tax shall be collected in the same manner as other county taxes, and when collected the county treasurer shall pay the same to the treasurer of the county high school in the same manner that school funds are paid to the district treasurers as required by law. (Laws 1909, ch. 211, sec. 2.)

SEC. 243. *Duties of Officers.* [7772.] The said treasurer of the high school shall receive from the county treasurer, and from other parties, all moneys that belong to the funds of said school, and shall pay out the same only by direction of the board of trustees, upon orders duly signed by the president and countersigned by the secretary, stating the purpose for which they were drawn. Both the secretary and treasurer shall keep an accurate account of all moneys received and expended for said school, and at the close of each year, or oftener if required by the board of trustees, they shall make a full statement of the financial affairs of the school. (Laws 1886, ch. 147, sec. 8.)

SEC. 244. *Locate Site and Lease Building.* [7773.] The said board of trustees shall proceed, as soon as practicable after the appointment as aforesaid, to select, at the place determined by the vote of the county, the best site that can be obtained without expense to the county, and the title thereof shall be vested in the said county; they shall then proceed to make purchases of material, and to let such contracts for their

necessary school buildings as they may deem proper, but shall not make any purchase or contract in any year to exceed the amount on hand, and to be raised by the levy of tax for that year. The board of trustees, at their discretion, may lease suitable buildings for the use of the high school while new buildings are in process of erection, the rent to be paid by the fund created by the levy for high-school purposes. (Laws 1886, ch. 147, sec. 9.)

SEC. 245. *Employ Principal.* [7774.] When such board of trustees shall have finished a building for said school, they shall employ some suitable person, who shall take charge of the same and teach in the same, and shall be known as the principal of such school; and the trustees shall furnish such assistant teachers as they deem necessary, and shall provide for their salaries. (Laws 1886, ch. 147, sec. 10.)

SEC. 246. *Courses of Instruction.* [7775.] There shall be provided three courses of instruction, each requiring four years' study[121] for completion, namely, a general course, a normal course, and a collegiate course. The general course shall be designed for those who cannot continue school life after leaving said high school. The normal course shall be designed for those who intend to become teachers, and shall fully prepare any who wish to enter the first year of professional work at the State Normal School. The collegiate course shall fully prepare those who wish to enter the freshman class of the college of liberal arts and sciences of the State University, or of the State Agricultural College, or of any other institution of higher learning in this state. Whenever practicable, students in these courses shall recite in the same classes. Students in the last year of the normal course may be employed for a portion of their time in teaching the pupils of the first year in any course, and model schools shall be encouraged. (Laws 1905, ch. 389, sec. 1.)

SEC. 247. *Tuition and Admission.* [7776.] Tuition shall be free to all pupils residing in the county where the school is located. The board of trustees shall make such general rules and regulations as they may deem proper in regard to age and grade of attainments essential to entitle pupils to admission to such school; provided, that no person shall be admitted to such high school who shall not have passed a satisfactory examination in all the work of the district schools of the county in which such high school is situated. If there should be more applicants than can be accommodated at any one time, each district shall be entitled to send its equal proportion of pupils, according to the number of pupils it may have, as shown by the last report to the county superintendent of public instruction; and the boards of the

121. Does not apply to Reno county high school. (Laws 1905, ch. 457.)

respective school districts shall designate such pupils as may attend, subject to the proviso above. (Laws 1886, ch. 147, sec. 12.)

SEC. 248. *Non-resident Pupils.* [7777.] If at any time the school can accommodate more pupils than apply for admission from that county in which the school is situated, the vacancies may be filled by applicants from other counties, upon the payment of such tuition as the board of trustees may prescribe, but at no time shall such pupils continue in such school to the exclusion of pupils residing in the county in which such school is situated. (Laws 1886, ch. 147, sec. 13.)

SEC. 249. *Rules and Regulations; Examining Committee; Certificates.* [7778-9.] The principal of any such high school, with the approval of the board of trustees, shall make such rules and regulations as he may deem proper in regard to the studies, conduct and government of the pupils under his charge while they shall continue to be enrolled at such school; and if any such pupils will not conform to nor obey the rules of the school, they may be suspended therefrom temporarily by the principal, and may be expelled by the board of trustees. The board of trustees shall appoint some competent person who, with the principal of the high school, and with the county superintendent of public instruction as chairman thereof, shall constitute the examining committee of the high school, whose duty it shall be to examine all persons who may apply to them in the subjects such persons propose to teach in said high school; and no person except one holding a diploma or a certificate from the State Board of Education, or a diploma from the State Normal School, State University, State Agricultural College, or some college or university accredited by the State Board of Education, shall be employed by the board of trustees as teacher in the high school unless such person is the holder of a certificate signed by the examining committee, or a majority of them, setting forth that such person is competent to teach such subjects in said high school and is a person of good moral character; and the board of trustees may fill any vacancy which may occur in the examining committee. (Laws 1907, ch. 335, secs. 1 and 2.)

SEC. 250. *Privieges of Graduates.* [7780.] Those graduating from the normal course in the county high school shall be entitled to a teacher's second-grade certificate,[122] and shall be admitted to the first year of professional work at the State Normal School without further examination; and those graduating from the collegiate course shall be entitled to admis-

122. This certificate should be issued by the county board of examiners and should state thereon that it was issued by virtue of graduation from the county high school. The usual fee of one dollar should be collected from each applicant.

sion to the freshman class of the State University, and of the State Agricultural College, without further examination. (Laws 1886, ch. 147, sec. 15.)

SEC. 251. *Report of Trustees.* [7781.] The board of trustees shall annually make a report to the county commissioners, which shall specify the number of students attending the high school during the year, their sex, and the branches taught, the text-books used, the number of teachers employed, the salaries paid, the amounts expended respectively for library, apparatus, buildings, and for all other purposes; also the amount of funds on hand, the debts unpaid, if any; the amounts due, if any; and all other information deemed important or expedient to report. Said report shall be printed in at least one newspaper of the county, if any is published therein, and a copy of the report shall be forwarded to the state superintendent of public instruction. (Laws 1886, ch. 147, sec. 16.)

SEC. 252. *Vacancies.* [7782.] The county commissioners shall have power to fill any vacancies that may occur in the board of trustees for that county, by appointment until the next general election. (Laws 1886, ch. 147, sec. 17.)

SEC. 253. *Compensation of Trustees.* [7783.] The county board of county-high-school trustees shall allow to each member thereof the sum of three dollars per day for the time actually and necessarily employed in the discharge of his official duties, and in addition thereto the sum of five cents per mile necessarily traveled in attending meetings of the board, and when such accounts are presented for payment they shall be audited and paid out of the county-high-school fund in the same manner as other accounts against said board. Said trustees shall not be allowed any other remuneration for services or expenses. (Laws 1907, ch. 334, sec. 1.)

ARTICLE III.—COUNTY HIGH SCHOOLS IN COUNTIES HAVING A POPULATION OF LESS THAN 6,000.

§254. May be established at county-seats.
255. Course of study.
256. Privileges of graduates.
257. May employ teachers.
258. Free to pupils in the county.
§259. Petition or election.
260. Bonds may be issued.
261. Bond election.
262. Issuance of bonds.
263. Illegal use of proceeds.

SECTION 254. *May Establish at County-seat.* [7784.] That the county commissioners of any county of Kansas having a population of less than 6000 be and they are hereby authorized to negotiate with the school district or school districts at the county-seat of such county for the establishment of a county high school; provided, that on the presentation of a petition signed by a majority of the electors of any such county, as shown by the returns of the last preceding general election, the county commissioners shall call an election for the purpose of determining whether they shall make such contract as afore-

said; and if at such election a majority of the votes cast shall be in favor of making said contract, then and in that case it shall be the duty of such commissioners to make such contract. (Laws 1903, ch. 433, sec. 1.)

SEC. 255. *Course of Study.* [7785.] Such county high schools when established shall adopt a course of study to be described by the State Board of Education. (Laws 1897, ch. 180, sec. 2.)

SEC. 256. *Privileges of Graduation.* [7786.] Upon the presentation of a certificate of graduation from any such county high school, within one year from the date of the same, to any state institution of learning, the person presenting the same may be admitted without further examination to said institution of learning. (Laws 1897, ch. 180, sec. 3.)

SEC. 257. *May Employ Teachers.* [7787.] For the purpose of carrying this act into effect, the boards of county commissioners in such counties may employ such number of teachers in addition to those regularly employed by the district at the county-seat as shall in their judgment be necessary for the purpose of conducting such schools, and pay such teachers from the general fund of the county. (Laws 1897, ch. 180, sec. 4.)

SEC. 258. *Free to Pupils in the County.* [7788.] Such county high schools shall be free to all persons of school age in their respective counties. (Laws 1897, ch. 180, sec. 5.)

SEC. 259.[123] *Petition or Election.* [7789.] No county high school as herein provided for shall be established except upon a petition signed by a majority of the electors of the county or pursuant to an election held in such county for the purpose of voting upon the question of establishing such county high schools. (Laws 1897, ch. 180, sec. 6.)

SEC. 260. *Bonds May be Issued.* [7802.] That any county which has established a county high school under the provisions of chapter 180, Session Laws of 1897, as amended by chapter 433, Session Laws of 1903, is hereby authorized and empowered to issue and sell bonds of the county for the purpose of erecting, furnishing and equipping a building for the use of the county high school of the county; provided, that no bonds shall be issued as provided for in this section until the same has been submitted to the electors of the county at a general election, or at a special election called for that purpose, and a majority of the voters voting upon the proposition shall have voted in favor of the same; provided, that the provisions of this act shall not be construed as applying to any county in which is located a city of the first class. (Laws 1907, ch. 332, sec. 1.)

SEC. 261. *Bond Election.* [7803.] When a petition signed by twenty-five per cent of the legal voters of the county, as

123. Section 259 has virtually been repealed.

shown by the latest official poll of the county, shall have been presented to the board of county commissioners of the county, asking that the question of issue of the bonds for the purpose named in this act be submitted to a vote of the people, it shall become the duty and is hereby made the duty of the board of county commissioners to make provisions to submit the question to a vote of the people; provided, that if a general election is to be held within six months after the receipt of the petition, the board of county commissioners shall submit the question at the next general election; otherwise, the board of county commissioners shall call a special election for this purpose, by giving not less than thirty days' notice by publication in not less than four issues of a newspaper of general circulation in the county. (Laws 1907, ch. 332, sec. 2.)

SEC. 262. *Issuance of Bonds.* [7804.] The bonds issued by authority of this act shall not exceed in any county in amount twenty thousand dollars, in denominations of not less than one hundred dollars nor more than one thousand dollars, and shall bear not more than five per cent interest, payable semiannually, as shown by coupons attached, and shall mature not later than twenty years from the date thereof. The bonds herein provided for shall recite that they are issued in pursuance of the provisions of this act. (Laws 1907, ch. 332, sec. 3.)

SEC. 263. *Illegal Use of Proceeds.* [7805.] It shall be unlawful for the board of county commissioners or any other person or persons to use or appropriate any of the proceeds of the bonds herein provided for any other purpose than that prescribed in this act. (Laws 1907, ch. 332, sec. 4.)

ARTICLE IV.—BARNES HIGH SCHOOLS.*

§264. May receive county aid.
265. Levy, limitation.
266. Levy, limitation.
267. Levy made, when.
268. Funds collected.
269. Apportionment of funds.
270. Levy, joint districts.
271. Principal's report.
272. County superintendent shall certify to county clerk.
§273. Tuition free.
274. Courses of study.
275. Some cities and counties exempt.
276. When in force.
277. "Barnes" law in effect in certain counties.
278. County treasurer to pay taxes collected.
279. Penalty, county treasurer not paying over money.

SECTION 264. *May Receive County Aid.* [7792.] In every county in the state of Kansas in which one or more school districts or cities of less than 16,000 inhabitants shall have maintained high schools with courses of instruction admitting those who complete the same to the freshman class of the college of liberal arts and sciences of the University of Kansas, the county commissioners shall levy a tax each year of not less than one-fourth of a mill nor more than three mills[124] on the

* The schools maintained under this law are not classified as county high schools, although they are very similar to county high schools.

124. Changed to five-tenths or six-tenths of one mill by Laws of 1909, ch. 245, sec. 15, and Laws of 1911, ch. 261, sec. 2. (Sections 265 and 266 of this book.)

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dollar of the assessed valuation of the taxable property within such counties for the purpose of creating a general high-school fund.[125] (Laws 1905, ch. 397, sec. 1.)

SEC. 265. *Levy, Limitation.* [9408.] The authority of the board of county commissioners of each county, as provided in chapter 397 of the Session Laws of 1905, to levy annually a tax by means of which to raise the necessary funds for the support of the high schools provided for by said chapter 397 of the Laws of 1905, is hereby limited so that the said board shall not levy in excess of five-tenths of one mill upon the dollar upon all taxable property. (Laws 1909, ch. 245, sec. 15.)

SEC. 266. *Levy, Limitation.* [Laws 1911, ch. 261, sec. 2.] The authority of the board of county commissioners of each county, as provided in chapter 397 of the Session Laws of 1905, to levy annually a tax by means of which it raised the necessary funds for the support of the high schools provided for by said chapter 397 of the Laws of 1905, is hereby limited so that the said board shall not levy in excess of six-tenths of one mill upon all taxable property; provided, that this section shall not apply to counties having a valuation in excess of $30,000,000.

SEC. 267. *Levy Made, When.* [7793.] The first levy shall be made when the result of the election or petition is determined, and a similar levy shall be made each year thereafter; provided, no levy shall be made until one or more such high schools shall have been maintained in the county the preceding school year. (Laws 1905, ch. 397, sec. 2.)

SEC. 268. *Funds Collected.* [7794.] Said tax shall be levied and collected in the same manner as other county taxes, and, when collected, the county treasurer shall pay the same to the treasurers of the school districts maintaining high schools according to the provisions of this act, as required by law, but no part of said general high-school fund shall ever be used for other than high-school purposes.[126] (Laws 1905, ch. 397, sec. 3.)

SEC. 269. *Apportionment of Funds.* [7795.] The county treasurer shall pay to the treasurers of said school districts a *pro rata* part of the said general high-school fund apportioned to the several school districts according to the estimated cost of maintaining the high schools of the ensuing year, but no apportionment shall be made to any school district after it has discontinued its high school. (Laws 1908, ch. 69, sec. 1.)

SEC. 270. *Levy, Joint Districts.* [Laws 1911, ch. 272, sec. 1.] That whenever any high school maintained in a joint school district receives a contribution out of the county treas-

125. Sections 265 and 266, being later enactments than section 264, must be followed in making the levy.

126. The high-school fund levied under this act cannot be used for the repair or erection of school buildings.

ury under the Barnes high-school act, being chapter 397 of the Session Laws of 1905 and amendments thereto, and when the provisions of the said Barnes high-school act do not prevail in the other county of which the said joint high-school district is a part, it shall be the duty of the county superintendent of the county in which the Barnes high-school act does not prevail to make an equitable estimate of the contribution which should be made by the school-district territory of the said joint school district lying in his county toward the support of the said joint high-school district, and certify to the county clerk a levy sufficient to meet said estimate, and it shall be the duty of the county clerk to make such levy in addition to the other school taxes imposed upon that part of said joint school district lying in his county.

SEC. 271. *Principal Shall Make Report.* [7796.] It shall be the duty of the principal of each such high school, at the expiration of the school year, to make a report, under oath, to the county superintendent, showing the total enrolment and the daily attendance of each pupil, and the average daily attendance in his high school for that year, and to furnish such other reports as the county superintendent may require, and his last month's salary shall not be due until such reports shall have been duly made. (Laws 1905, ch. 397, sec. 5.)

SEC. 272. *County Superintendent Shall Certify to County Clerk.* [7797.] It shall be the duty of the county superintendent to certify to the county clerk and to the county treasurer, on or before the 25th day of July of each year, the average daily attendance in the several high schools of the county complying with the provisions of this act for the year ending on the 30th day of June preceding, and to certify to the board of county commissioners the amount necessary for the maintenance of such high schools the ensuing year, and the county commissioners shall make such levy (not to exceed three mills[127] on the dollar of the assessed valuation of the taxable property within such county) as may be necessary to produce such amount; and in case the county commissioners shall fail to make such levy, then the county superintendent shall make a suitable levy, and certify the same to the county clerk of such county, who shall enter upon the tax-rolls the levy so made by the county superintendent. (Laws 1907, ch. 333, sec. 1.)

SEC. 273. *Tuition Free.*[128] [7798.] Tuition shall be free in all such high schools to pupils residing in the county where such schools are located. (Laws 1905, ch. 397, sec. 7.)

SEC. 274. *Courses of Study.* [7799.] At least two courses of instruction shall be provided, each requiring four years'

127. Changed to five-tenths or six-tenths of one mill by Laws of 1909, ch. 245, sec. 15, and Laws 1911, ch. 261, sec. 2 (sections 265 and 266 of this book).

128. Tuition is free to all courses in "Barnes" high schools.

work,[129] namely, a college preparatory course, which shall fully prepare those who complete it to enter the freshman class of the college of liberal arts and sciences of the University of Kansas, and a general course, designed for those who do not intend to continue school work beyond the high school. (Laws 1905, ch. 397, sec. 8.)

SEC. 275. *Some Cities and Counties Exempt.* [7800.] Cities having more than 16,000 inhabitants and counties having heretofore established county high schools or which may hereafter establish county high schools under the laws now in force shall be exempt from the operation of this act. (Laws 1905, ch. 397, sec. 9.)

SEC. 276. *When in Force.* [7801.] This act shall not be in force in any county until its provisions are adopted therein by a majority vote of the electors voting on said proposition. At the next general election after the passage of this amendment, the following proposition shall be submitted in each county, or part of county, in the state to which this law may apply, namely: "May the provisions of the high-school act of 1905, as amended by the Laws of 1907 and 1908, apply in this county?" The election shall be conducted and such proposition shall be voted on and the votes then canvassed and returns made in all respects as provided by law. Whenever a majority of the voters voting on this proposition in any county, or part of any county, to which this law may apply, at such election shall be in favor of such proposition, the provisions of this act shall apply in such county from the time such result is ascertained. If the proposition fails to carry at the next general election, it may be submitted in each county, or part of county, in this state to which this law shall apply, upon petition to the board of county commissioners, signed by twenty-five per cent of the taxpayers of such county, or part of county, at any general election hereafter; provided, that this law shall not be submitted at the general election in 1908 in counties which have already adopted the provisions of the act to which this act is amendatory. (Laws 1908, ch. 69, sec. 2.)

SEC. 277. *"Barnes" Law in Effect in Certain Counties.* [7809.] That in all counties of this state in which high schools have been established and maintained for one year, and which said high schools have been established and maintained under the provisions of chapter 397 of the Laws of 1905, as amended by chapter 333 of the Laws of 1907 and chapter 69 of the Laws of 1908, by a majority of all the votes cast on said proposition, said chapter 397 of the Laws of 1905, as amended by chapter 333 of the Laws of 1907 and by chapter 69 of the Laws of 1908, shall be in full force and effect from and after the publication of this act in all such counties without again submitting the

129. Two courses of four years each must be maintained. The college preparatory course should be approved by the University of Kansas for admission to its liberal arts course.

question to a vote of the electors; provided, however, this act shall not apply to counties where the proposition was resubmitted under chapter 69 of the Session Laws of 1908 and rejected. (Laws 1909, ch. 210, sec. 1.)

SEC. 278. *County Treasurer to Pay Taxes Collected.* [7807.] It shall be the duty of the county treasurer of every county in the state of Kansas to promptly pay over and distribute on demand all moneys now in his hands, or which may hereafter come into his hands by reason of any tax levy made by any county, city, township or school district, to the treasurer of the city, township or school district, for the use and benefit of which it was collected, under the provisions of chapter 397 of the Laws of 1905, as amended by chapter 333 of the Laws of 1907 and by chapter 69 of the Laws of 1908. (Laws 1909, ch. 215, sec. 1.)

SEC. 279. *Penalty, County Treasurer Not Paying Over Money.* [7808.] Any county treasurer who shall violate the provisions of this act shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars. (Laws 1909, ch. 215, sec. 2.)

ARTICLE V.—COUNTY AID IN COUNTIES HAVING A POPULATION OF LESS THAN 10,000.

§280. Aid by county commissioners.
281. Course of study.
282. Free tuition; entrance certificate.
283. Supervision.
284. Petition.
285. Levy.
§286. Collection and use of funds.
287. Duty of county treasurer.
288. Report of principal.
289. Petition; levy.
290. Duty of county superintendent.
291. Counties exempt.

SECTION 280. *Aid by County Commissioners.* [Laws 1911, ch. 263, sec. 1.] That the county superintendent and county commissioners of any county in Kansas having a population of less than 10,000 inhabitants are hereby authorized to make provision for aid to a certain high school or high schools in such county, and to provide for the support of the same as hereinafter prescribed.

SEC. 281. *Course of Study.* [Laws 1911, ch. 263, sec. 2.] Such high schools, when aided, shall adopt a course of study to be prescribed by the State Board of Education.

SEC. 282. *Free Tuition; Entrance Certificate.* [Laws 1911, ch. 263, sec. 3.] Such high schools shall be free to all persons of school age who are actual residents of the respective counties; provided, that such person shall present to the principal of the high school an entrance certificate, signed by the county superintendent of public instruction, certifying that he has completed the course of study prescribed by the State Board of Education for the public schools below the high school.

SEC. 283. *Supervision.* [Laws 1911, ch. 263, sec. 4.] Such high schools when aided shall be under the supervision and control of the county superintendent and district board or

board of education of the district or city in which the school is located.

SEC. 284. *Petition.* [Laws 1911, ch. 263, sec. 5.] No high school as herein provided for shall be eligible for such aid except upon a petition to the county superintendent and county commissioners of the county in which such school or schools are sought to be aided, signed by a majority of the school electors of the county in which the school is sought to be aided; provided, that in counties having a population of 3,000 inhabitants or less (according to the United States census of 1910) one school only shall be aided, and that one located at the county seat of such county.

SEC. 285. *Levy.* [Laws 1911, ch. 263, sec. 6.] For the purpose of carrying this act into effect the board of county commissioners in such county shall annually levy such tax only as may be necessary, not to exceed one mill on the dollar of the assessed valuation of the taxable property of counties having a population of 3,000 inhabitants or less, and not to exceed one-half mill on the dollar of the assessed valuation of the taxable property in counties having a population of more than 3,000 inhabitants.

SEC. 286. *Collection and Use of Funds.* [Laws 1911, ch. 263, sec. 7.] Said tax shall be levied and collected in the same manner as other county taxes, but no part of such general school fund shall ever be used for other than high-school purposes.

SEC. 287. *Duty of County Treasurer.* [Laws 1911, ch. 263, sec. 8.] The county treasurer shall pay to the treasurer of the school district or districts maintaining such high schools such sums of money as the county superintendent shall certify to be necessary and proper for each of said districts respectively.

SEC. 288. *Report of Principal.* [Laws 1911, ch. 263, sec. 9.] It shall be the duty of the principal of each of such high schools, at the expiration of the school year, to make a report to the county superintendent showing the total enrollment in such high school or high schools and the number of months attended by each pupil, and to furnish such other reports as the county superintendent may require, and his last month's salary shall not be due until such reports shall have been duly made.

SEC. 289. *Petition; Levy.* [Laws 1911, ch. 263, sec. 10.] If, upon the presentation of a petition addressed to the county commissioners of any county by a majority of the school electors of such county, asking that certain aid be extended to a certain school district or school districts therein, as provided for herein, and said county superintendent and county commissioners decide to provide the aid petitioned for, said board of county commissioners shall, at the regular meeting held by it on the first Monday in August thereafter, levy such tax on the

taxable property of the entire county sufficient to raise the amount necessary to aid such district or districts as said county superintendent and said board of commissioners believe proper.

SEC. 290. *Duty of County Superintendent.* [Laws 1911, ch. 263, sec. 11.] It shall be the duty of the county superintendent to certify to the county commissioners and to the county treasurer, on or before the 1st day of July in each year, the amount of money necessary to aid the district or districts maintaining high schools under the provisions of this act, for the year ending on the 30th day of June preceding, and the county commissioners shall thereupon make such a levy only, within the limitations herein prescribed, as may be necessary to produce the amount of aid herein provided for such high school or high schools, within their respective counties.

SEC. 291. *Counties Exempt.* [Laws 1911, ch. 263, sec. 12.] Counties maintaining a county high school and counties having high schools in operation under the provisions of chapter 397 of the Laws of 1905, or the provisions of said chapter as amended, shall be exempt from the provisions of this act.

ARTICLE VI.—TOWNSHIP HIGH SCHOOLS.

§292. Authority to establish.
293. Election.
294. Supervision; course of study.
§295. Tuition free; regulations.
296. Admission of outside pupils.
297. Annual meeting; levy.

SECTION 292. *Authority to Establish.* [Laws 1911, ch. 262, sec. 1.] The legal electors of any township in which there is no town or city in the state are hereby authorized, as provided for in this act, to establish, locate and maintain a high school in such township.

SEC. 293. *Election.* [Laws 1911, ch. 262, sec. 2.] Whenever a petition is presented to the township board of any township, described in section 1, in the state, at any of its regular meetings, signed by more than one-third of the legal electors of said township as is shown by the last preceding election, requesting said township board to call an election under the provisions of this act to locate and establish a township high school in said township, the location to be named in said petition, it shall then be the duty of said township board to call a special election to decide the question of locating and establishing such high school and the voting of bonds therefor. All elections held under the provisions of this act shall be governed by the provisions of the general election law of this state where not contrary to this act. Notice of all such elections shall be given at least twenty-one days prior to the day fixed for such election, by posting up printed or typewritten notices on the door of each schoolhouse in said township and publishing the same twice in the official county paper of the county wherein the township is situated, setting forth fully the purposes and objects of such election and the time and place or places where it is to be held; provided, that this act shall not apply to counties

having a population of less than 10,000. Upon a proposition being carried to establish a township high school in any township, the township board of such township shall call a special election to elect a township high-school board, consisting of a director, clerk and treasurer.

SEC. 294. *Supervision; Course of Study.* [Laws 1911, ch. 262, sec. 3.] The county superintendents of public instruction shall have the same general supervision over said township high schools as they now have by law over the district schools; and it is further made the duty of the superintendent of public instruction to provide courses of study for said township high schools, to correspond with that required by section 7775 of the General Statutes of 1909, governing county high schools.

SEC. 295. *Tuition Free; Regulations.* [Laws 1911, ch. 262, sec. 4.] Tuition shall be free to all pupils residing in the township where the school is located. The board of directors of said township high school shall make such rules and regulations as are provided in section 7776 of the General Statutes of 1909, in relation to county high schools, and make them applicable to said township high schools.

SEC. 296. *Admission of Outside Pupils.* [Laws 1911, ch. 262, sec. 5.] If at any time the school can accommodate more pupils than apply for admission from the township in which the school is located, pupils may be admitted from other townships, upon the payment of such fees for tuition as the board of directors of said township high school may prescribe, but at no time shall such pupils continue in such township high school to the exclusion of pupils residing in the township where the school is located.

SEC. 297. *Annual Meeting; Levy.* [Laws 1911; ch. 262, sec. 6.] The annual school meeting for the election of school officers for the township shall be held at two o'clock P. M. on the day preceding the date of the annual meeting for school districts. The township high-school boards shall meet annually on the third Monday in April, at two P. M., at the township high-school buildings in their respective townships, and shall make the necessary levy for taxes, not to exceed four mills on the dollar of valuation on all taxable property in the respective townships, to pay teachers and incidental expenses of said high schools; the clerks of said high-school districts to certify the levy to the county clerks, who are to extend the amounts on the tax rolls, and the county treasurers to collect the taxes, the same as provided for other taxes.

CHAPTER XIV.—INDUSTRIAL EDUCATION.

§298. Tax for industrial training.
299. Boards may provide schoolrooms.
300. State Board prescribes course and standard.
§301. Report to state superintendent.
302. State aid.
303. Appropriation for.

SECTION 298. *Tax for Industrial Training.* [7839.] The board of education of each city of the first class and second class, and the annual school meeting of any school district, may, in addition to the other levies, levy a tax not to exceed one-half mill[130] upon the dollar of assessed valuation in cities of the first and second class, and not to exceed one mill[131] on the dollar of the assessed valuation in all other cities and school districts, for the equipment and maintenance of industrial-training schools or industrial-training departments of the public schools. The sum raised by such levies shall be expended for the purpose named in this act and no other. (Laws 1903, ch. 20, sec. 1.)

SEC. 299. *Boards May Provide Schoolrooms.* [7840.] Said board of education and district board, upon such levy being made, may provide for a separate school or a separate department in some existing school, and may employ such teachers as they think are competent to give instruction in industrial training, as required by their course of study; and it shall be the duty of such board to provide, from the funds received under the provisions of this act, the necessary books, appliances and room for such instruction, and it shall be the duty of such board to prescribe a course of study to meet the special needs of the district or city, which course of study must be approved by the State Board of Education. (Laws 1903, ch. 20, sec. 2.)

SEC. 300. *State Board Prescribes Course and Standard.* [7841.] The State Board of Education shall establish a standard for teachers of industrial training, and shall grant special certificates to those who are fully qualified to give instruction therein; and they shall prescribe the course of study in industrial training to be used in the state. (Laws 1903, ch. 20, sec. 3.)

SEC. 301. *Report to State Superintendent.* [7842.] On the 1st day of July in each year, the clerk of each school board or district maintaining a school or department for industrial training as aforesaid, and desiring state aid, shall make a re-

130. Limited to one-eighth of a mill by Laws 1909, ch. 245, sec. 25 (section 344 of this book).

131. Limited to one-quarter of a mill by Laws 1909, ch. 245, sec. 25 (section 344 of this book).

port, duly certified, to the state superintendent of public instruction, in such form as may be required, setting forth the facts relating to the cost of maintaining such school or department for industrial training, the character of the work done, the number and names of the teachers employed in such work, and the length of time such school or department was maintained during the preceding year. Upon receipt of such report, the state superintendent, when satisfied therefrom, and from such other investigation as he may deem advisable, that such school or department for industrial training has been established and maintained for a period of six months in the year immediately preceding, and has been taught by a special teacher or teachers having the qualifications mentioned in sections 3 and 4 of this act,[132] shall make a certificate to that effect, showing also the amount of money expended by such school district in the twelve months immediately preceding the 1st day of July of each year in maintaining such school or department for industrial training, and submit such certificate to the state auditor. (Laws 1903, ch. 20, sec. 4.)

SEC. 302. *State Aid.*[133] [7843.] Upon receiving such certificate mentioned in section 4[134] of this act, the state auditor shall draw his warrant upon the state treasurer, payable to the treasurer of the school district or board of education maintaining said school or department, for a sum of money equal to that contributed by such school district for such purpose, but not exceeding the sum of $250; and provided, that the total sum of money contributed by the state as aforesaid for such purposes shall not exceed the sum of $10,000 in any one year. (Laws 1903, ch. 20, sec. 5.)

SEC. 303. *Appropriation.*[134] [7844.] For carrying out the provisions of this act, the sum of $20,000, or so much as may be necessary, is hereby appropriated out of the state treasury, out of any money not otherwise appropriated. (Laws 1903, ch. 20, sec. 6.)

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132. Sections 300 and 301 of this book.

133. State aid will not be available hereafter unless succeeding legislatures make appropriations for this purpose. No appropriation was made for 1911-'12 or 1912-'13.

134. See section 301 of this book.

134. See section 301 of this book.

CHAPTER XV.—INDUSTRIAL-SCHOOL PUPILS.[135]

§304. Indentured pupils; county superintendent.
305. Pupils not properly provided for.
§306. County superintendent to seek out persons willing to receive indentured pupils.

SECTION 304. *County Superintendent Shall Visit.* [8686.] The superintendents of public instruction in the several counties of the state are hereby designated as visiting agents, to have local supervision over indentured pupils of the Reform[136] School. It shall be the duty of each visiting agent to visit as often as twice each year all pupils of the Reform School[136] who may have been indentured to persons residing within his county.[137] He shall inquire into the condition of such pupils, and make such other investigations in relation thereto as the board of trustees may prescribe; and, for the purpose aforesaid, said agents may have private interviews with such pupils at any time, and shall have power to administer oaths. (Laws 1881, ch. 129, sec. 13.)

SEC. 305. *Pupils Not Properly Provided for.* [8687.] When any visiting agent is of the opinion that an indentured pupil is not properly provided for, and cannot be so held to his further advantage, he shall report the fact to the board of trustees; and no pupil shall be indentured to any person until notice of an application therefor has been given to said agent, and his report in writing, made after investigation into the propriety thereof, is filed with the institution. (Laws 1881, ch. 129, sec. 14.)

SEC. 306. *Seek Out Persons to Receive Indentured Pupils.* [8688.][137] Said agent shall seek out suitable persons who are willing to receive pupils from the Reform School[136] under articles of indenture, and give notice thereof to the president of the board of trustees, which notice shall contain the agent's recommendation of the applicant as a proper person to receive and have the care of any such pupil. (Laws 1881, ch. 129, sec. 15.)

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135. The requirements of this chapter, as well as those of section 8686, 8687 and 8688, referred to foot-note 137, are probably modified by the provisions of chapter 475, Laws of 1905, entitled "Board of Control of State Charitable Institutions."

136. Refers to Industrial School for Boys.

137. Sections 8686, 8687, 8688, General Statutes of 1909, impose similar duties relative to the Industrial School for Girls.

CHAPTER XVI.—JUVENILE COURT.

§307. Probate judge; jurisdiction; authority; fees.
308. Over whom the juvenile court has jurisdiction.
309. Probation officer; appointed; duties; truant officer.
310. Who may make the complaint.
311. Summoning custodian of child.
312. Custody of child; continuance of the hearing.
313. Care of dependent or neglected child.
314. The child as the ward of an association or individual.
315. The child committed to the care of a probation officer.
316. The court may revoke the custody.
317. Child under sixteen not to be taken before courts other than juvenile courts.
318. Appeals to district court.
319. Assistance of city and county attorneys, and other officials.
320. Discretion of juvenile court as to penalties of state laws and city ordinances.
321. Care and custody of child to be parental.
322. Parents responsible for delinquency of children; penalty.
§323. Suspension of sentence; release; bond.
324. Custody of child during suspension of sentence.
325. Forfeiture of bond and term of probation.
326. Judgment in case of forfeiture of bond.
327. Acts not repealed.
328. Detention home; juvenile farm.
329. Government of detention home.
330. Record of inmates of detention home.
331. Tax levied for detention home or juvenile farm; salary of matron or superintendent.
332. Annual report of judge of juvenile court.
333. Jurisdiction after the age of sixteen.
334. Compensation in counties having a population of over 25,000.
335. Jurisdiction.
336. Police and sheriff entitled to witness fees.
337. Blanks.
338. Procedure in juvenile court.
339. Appeal.

SECTION 307. *Probate Judge; Jurisdiction; Authority; Fees.* [5099.] That there be and hereby is created and established in each county of the state a court, to be known as the "juvenile court," whose jurisdiction shall pertain to the care of dependent, neglected and delinquent children. The probate judge of each county shall be the judge of the juvenile court in his county, and he shall be furnished by the board of county commissioners, at the expense of the county, with such dockets, records, and blanks, upon his requisition, as may be necessary in the conduct of the business of the court. Said court shall have jurisdiction of all cases concerning dependent, neglected and delinquent children in their respective counties, shall be open at all times for the transaction of business, and may make such disposition of cases as is hereinafter provided. They shall have authority to issue subpœnas for witnesses, and compel their attendance by attachment as for contempt, and to issue all other process that may be necessary in any case, the same as justices of the peace are authorized to do in misdemeanors. All writs and process shall be served by the probation officer of the court, or, in his absence, by some person especially deputized for that purpose by the court. The judge of the juvenile court shall receive as compensation for his services the same fees as are allowed the probate judge for like services, and said fees shall be in addition to all fees or salary received by him as judge of the probate court; said fees are to be allowed by the county commissioners and paid out of the county treasury. (Laws 1905, ch. 190, sec. 1.)

SEC. 308. *Over Whom the Juvenile Court Has Jurisdiction.* [5100.] This act shall apply only to children under the age of sixteen years, not now or hereinafter inmates of any state institution or any industrial school for boys or industrial school for girls or some institution incorporated under the laws of this state; provided, that when jurisdiction has been acquired under the provision hereof over the person of a child, such jurisdiction may continue for the purposes of this act until the child has attained its majority. For the purpose of this act, the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned, or dependent upon the public for support, or has not proper parental care or guardianship, and has idle and immoral habits, or who habitually begs or receives alms, or who is found living in any house of ill-fame or with any vicious or disreputable persons; or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; or any child under the age of ten years who is found begging, peddling, or selling any article, or singing or playing any musical instrument upon the street, or who accompanies or is used in aid of any person so doing. The words "delinquent child" shall include any child under the age of sixteen years who violates any law of this state or any city, town or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly patronizes any pool-rooms or place where gambling devices are operated. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purpose the care or discipline of children coming within the meaning of this act. (Laws 1905, ch. 190, sec. 2.)

SEC. 309. *Probation Officer; Appointed; Duties; Truant Officer.* [5101.] The juvenile court having jurisdiction under this act shall appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officer shall receive as compensation, from the public treasury, a sum to be fixed by the court, said sum not to exceed two dollars per day for services actually performed; provided, that, in cities having a population of 15,000 or over, the compensation shall not be more than three dollars per day. Whenever there is to be a child brought before any court having a probation officer, it shall be the duty of the judge of the court, if practicable, to notify the probation officer in advance when any child is to be brought before the court. It shall be the duty of said probation officer to make such investigation as may be

required by the court; to be present in court in order to represent the interest of the child when the case is heard; to furnish to the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court; and the court shall have power to make and enforce rules specifying the duties of the probation officer in any and all cases. The judge of said juvenile court may, at his discretion, designate as probation officer the regular truant officer of the county, who shall perform the duties of this office in addition to the duties of the truant officer, as provided by law, and he shall receive no further remuneration than is provided by laws already existing. Any probation officer may, without warrant or other process, at any time until the final disposition of the case of any child over whom said juvenile court shall have acquired jurisdiction, take the child placed in his care by said court and bring the child before the court, or the court may issue a warrant for the arrest of any child, and the court may thereupon proceed to sentence or make such other disposition of the case as he may deem best. (Laws 1905, ch. 190, sec. 3.)

SEC. 310. *Who May Make the Complaint.* [5102.] Any reputable person, being a resident in the county, having knowledge of a child in his county who appears to be either dependent, neglected or delinquent within the meaning of this act, may file with the court having jurisdiction in the matter a petition, in writing, setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit be upon information and belief. If it shall be determined by the court that there is no ground for complaint, no permanent record shall be made by the court. (Laws 1905, ch. 190, sec. 4.)

SEC. 311. *Summoning Custodian of Child.* [5103.] Upon the filing of the petition, unless the parties shall voluntarily appear or be in court, a summons shall issue in the name of the state of Kansas, requiring the child and the person having custody and control of the child, or with whom the child may be, to appear with the child at the place and at the time set in the summons, which shall not be later than twenty-four hours after service, unless otherwise directed by the court. The parents of the child, if living, and their residence known, or its legal guardian, if one there be, or if there is neither parent nor guardian, or if his or her residence is unknown, then some relative, if there be one, and his or her residence is known, shall be notified of the proceedings; and in any case the judge may appoint some suitable person or association to act in behalf of the child. If the person summoned, as herein provided, shall fail without reasonable cause to appear and abide the order of the court, or to bring the child, such person may be proceeded against as in case of contempt of court. In case the summons cannot be served, or the party served shall fail to obey the same, or in case when it shall be made to ap-

pear to the court that such summons will be ineffectual, a warrant may issue on order of the court, either against the parent or guardian, or the person having custody of the child, or against the child itself. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner and enter final judgment therein; and the costs of all proceedings under this act may, in the discretion of the court, be adjudged against the person or persons so summoned, appearing, or arrested, as the case may [be], and collected as provided by law in civil cases. (Laws 1905, ch. 190, sec. 5.)

SEC. 312. *Custody of the Child; Continuance of the Hearing.* [5104.] In any case the court may continue the case from time to time, and may in the meantime commit the child to the care and control of the probation officer, or may allow such child to remain in its own home, or in the custody of some suitable person, subject to the supervision and control of the probation officer and to such other conditions as may be imposed by the court; or the court may authorize the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court. Pending a hearing, no child shall be committed to a jail or police station, except, in case of felony, the judge, if he deems it advisable, may commit such child to jail until the trial and final disposition of the case; but when other provision shall not have been made for its care and custody, the court shall direct it to be kept in some suitable place provided by the county outside of a jail or police station. (Laws 1905, ch. 190, sec. 6.)

SEC. 313. *Care of Dependent or Neglected Child.* [5105.] When any child under the age of sixteen years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable institution, or the care of some reputable citizen of good moral character, or to the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its object the purpose of caring for or obtaining homes for neglected or dependent children. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purpose without charge. (Laws 1905, ch. 190, sec. 7.)

SEC. 314. *The Child as the Ward of an Association or Individual.* [5106.] In any case where the court shall award a child to the care of any association or individual, in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed.

Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceedings for the legal adoption of the child, and may by its or his attorney or agent appear in any court where such proceedings are pending and assent to such adoption; and such assent shall be sufficient to authorize the court to enter proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child. (Laws 1905, ch. 190, sec. 8.)

SEC. 315. *The Child Committed to the Care of a Probation Officer.* [5107.] In case of a delinquent child, the court may continue the hearing from time to time, and may in the meantime commit the child to the care and control of a probation officer duly appointed by the court, and may allow such child to remain in its own home, subject to the visitation and control of the probation officer; such child to report to the court as often as may be required, and shall be subject to be returned to the court for further proceedings whenever such action shall appear to the court to be necessary; or the court may authorize the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for payment of the board of such child until suitable provision may be made for the child in a home without such payment; or the court may commit the child to a suitable institution for the care of delinquent children; provided, that no child under the age of sixteen years shall be committed to the State Reformatory, and in no case shall a child be committed beyond his or her minority. A child committed to such institution shall be subject to the control of the board of managers thereof, and the board shall have power to parole such child on such conditions as it may prescribe; and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected and dependent children, if such institution be duly credited as hereinafter provided, or to the care and custody of some discreet person. (Laws 1905, ch. 190, sec. 9.)

SEC. 316. *The Court May Revoke the Custody.* [5108.] In any case where a dependent, neglected or delinquent child has been committed to the care and custody of any association or individual, the court may cause the child to be brought before it, together with the person in whose custody he may be, and if it shall appear that a continuance of such custody is not for the best interests of such child, the court may revoke and set

aside the order giving such custody, and make such further orders in the premises as to the future disposition of the child as shall seem best. (Laws 1905, ch. 190, sec. 10.)

SEC. 317. *Child Under Sixteen Not to be Taken Before Courts Other than Juvenile Courts.* [5109.] When a child under the age of sixteen years is arrested, with or without a warrant, such child shall, instead of being taken before a justice of the peace or police magistrate or judge or any other court now or hereafter having jurisdiction of the offense charged, be taken before such juvenile court; or if the child shall have been taken before a justice of the peace or police magistrate or judge of such court, it shall be the duty of such justice of the peace or police magistrate or judge of such court to transfer the case to such juvenile court, and of the officer having the child in charge to take such child before said court; and in any such case the said court may proceed to hear the defense of the case in the same manner as if the child had been brought before the court upon the petition as herein provided. In any case the court shall require notice to be given and investigation to be made as in the several cases under this act provided for, and may adjourn the hearing from time to time for the purpose. (Laws 1905, ch. 190, sec. 11.)

SEC. 318. *Appeals to District Court.* [5110.] An appeal shall be allowed to the district court by any child from the final order of commitment made by the juvenile court, and may be demanded on the part of the child by its parent, guardian, or custodian, or by any relation of such child within the third degree of kinship. Such appeal shall be taken within ten days after the making of the order complained of by written notice of appeal filed with the judge of the juvenile court; whereupon it shall be the duty of the judge of said court, without unnecessary delay, to transmit all papers, together with a transcript of his records of the case, to the clerk of the district court of his county, by whom the case shall be docketed in the order of its reception. Such appeal shall not suspend or vacate the order appealed from, but the same shall continue in force in all respects the same as if no appeal had been taken until final judgment has been rendered in the district court; provided, however, that the judge of the district court may, pending a hearing on appeal, make such modification of the order of the juvenile court and upon such conditions as to him may seem proper. Upon the final hearing on appeal the case shall be heard and disposed of in the spirit of this act and in the exercise of all the powers and discretion herein given to the juvenile court. In all cases of felony the judge of the juvenile court may remand the person apprehended to the district court or county court for trial. (Laws 1905, ch. 190, sec. 12.)

SEC. 319. *Assistance of City and County Attorneys, and Other Officials.* [5111.] It shall be the duty of all county at-

torneys within their respective counties, and city attorneys within their respective cities, to give to the probation officers such aid in the performance of their duties as may be consistent with the duties of the office of such attorneys. It shall be the duties of the police officers and constables making arrests of children under sixteen years of age in the counties herein mentioned to at once give information of that fact to the probation officer or to the judge of the juvenile court herein provided, and also to furnish such probation officer or judge with all the facts in his possession pertaining to said child, its parents, guardian, or other person likely to be interested in such child, and also the nature of the charge upon which such charge has been made. Any probation officer may, without warrant or other process, at any time until final disposition of the case of any child over whom said juvenile court shall have acquired jurisdiction, take any child placed in his care by said court and bring such child before the court, or the court may issue a warrant for the arrest of any such child; and the court may thereupon proceed to sentence or make other disposition of the case. (Laws 1905, ch. 190, sec. 13.)

SEC. 320. *Discretion of Juvenile Court as to Penalties of State Laws and City Ordinances.* [5112.] All punishments and penalties imposed by law upon persons for the commission of offenses against the laws of the state, or imposed by city ordinances for the violation of such ordinances, in the case of delinquent children under the age of sixteen years, shall rest in the discretion of the judge of the juvenile court, and execution of any sentence may be suspended or remitted by said court. (Laws 1905, ch. 190, sec. 14.)

SEC. 321. *Care and Custody of Child to be Parental.* [5113.] This act shall be liberally construed, to the end that its purposes may be carried out, to wit, that the care, custody and discipline of a child shall approximate, as nearly as may be proper parental care; and in all cases where the same can be properly done, that a child may be placed in an approved family home, by legal adoption or otherwise. And in no case shall any proceedings, order or judgment of the juvenile court, in cases coming within the purview of this act, be deemed or held to import a criminal act on the part of any child; but all proceedings, orders and judgments shall be deemed to have been taken and done in the exercise of the parental power of the state. (Laws 1905, ch. 190, sec. 15.)

SEC. 322. *Parents Responsible for Delinquency of Children; Penalty.* [5114.] In all cases where any child shall be a delinquent, dependent or neglected child, as defined by the statutes of this state, the parent or parents or other persons responsible for or by any act causing, encouraging or contributing to such delinquency, dependency or neglect shall be deemed guilty of a misdemeanor, and upon trial and conviction thereof shall be

fined in a sum not to exceed one thousand dollars, or imprisoned in the county jail for a period not to exceed one year, or by both such fine and imprisonment. The juvenile courts shall have jurisdiction of all cases coming within the provisions of this act. (Laws 1907, ch. 177, sec. 1.)

SEC. 323. *Suspension of Sentence; Release; Bond.* [5115.] The court may suspend any sentence hereunder or release any person sentenced under this act from custody upon condition that such person shall furnish a good and sufficient bond or undertaking to the people of the state of Kansas in such penal sum, not exceeding two thousand dollars, as the court shall determine, conditioned for the payment of such amount as the court may order, not exceeding twenty-five dollars per month for each child, for the support, care and maintenance of such child while under the guardianship, or in the custody of any individual or any public, private or state home, institution, association or orphanage to which the child may have been committed or entrusted under the provisions of the laws of this state concerning dependent and neglected children. (Laws 1907, ch. 177, sec. 2.)

SEC. 324. *Custody of Child During Suspension of Sentence.* [5116.] The court may also suspend any sentence imposed under this act, and may permit any dependent child to remain in the custody of any such person found guilty upon conditions to be prescribed or imposed by the court as seem most calculated to remove the cause of such dependence or neglect, and while such conditions are accepted and complied with by any such person such sentence may remain suspended and such person shall be considered on probation in said court; in case a bond is given as provided herein, the conditions prescribed by the court may be made a part of the terms and conditions of such bond. (Laws 1907, ch. 177, sec. 3.)

SEC. 325. *Forfeiture of Bond and Term of Probation.* [5117.] Upon the failure of any such person to comply with the terms and conditions of such bond or of the conditions imposed by the court, such bond or the term of probation may be declared forfeited and terminated by the court, and the original sentence executed as though it had never been suspended, and the term of any jail sentence imposed in any such case shall commence from the date of the incarceration of any such person after the forfeiture of such bond or term of probation. There shall be deducted from any such period of incarceration any part of such sentence which may have already been served. (Laws 1907, ch. 177, sec. 4.)

SEC. 326. *Judgment in Case of Forfeiture of Bond.* [5118.] It shall not be necessary to bring a separate suit to recover the penalty of any such bond so forfeited, but the court may cause a citation to issue to the surety or sureties thereon, requiring that he or they appear at a time named therein by the court,

which time shall not be less than ten nor more than twenty days from the issuance thereof, and show cause, if any there be, why judgment should not be entered for the penalty of such bond and execution issued for the amount thereof against the property of the surety or sureties thereon, as in civil cases, and upon failure to appear or failure to show any such sufficient cause, the court shall enter such judgment in behalf of the people of the state of Kansas against such surety or sureties, or in case of default or refusal to pay the said bond, action may be taken in any court of competent jurisdiction in behalf of the people of the state of Kansas to compel the payment of said bonds. Any moneys collected or paid upon any such execution or in any case upon said bond shall be turned over to the county treasurer of the county in which such bond is given, to be applied to the care and maintenance of the child or children for whose dependency such conviction was had, in such manner and upon such terms as the juvenile court may direct; provided, that it shall not be necessary in the opinion of the court to use such fund or any part thereof for the support and maintenance of such child, the same shall be paid into the county treasury and become a part of the funds of such county. (Laws 1907, ch. 177, sec. 5.)

SEC. 327. *Acts Not Repealed.* [5119.] Nothing in this act shall be construed to repeal any acts providing for the support by parents of their minor children or any part of the acts concerning delinquent children or persons contributing thereto; and nothing in said acts shall prevent proceedings under this act in any proper case. (Laws 1907, ch. 177, sec. 6.)

SEC. 328. *Detention Home; Juvenile Farm.* [5120.] That the county commissioners of every county of the state having a population of more than twenty thousand may provide a detention home or a juvenile farm for the purpose of caring for homeless children under sixteen years of age in the custody of the judge of the juvenile court; provided, however, that a juvenile farm may be established only in counties having a city whose population is twenty-five thousand or over. Until a building is erected for the purpose of a detention home, or until a juvenile farm with suitable and convenient buildings has been provided, the commissioners may lease or rent a suitable and convenient building or a part thereof, for a term not to exceed five years for any one period, which shall be used as a detention home. (Laws 1907, ch. 177, sec. 7.)

SEC. 329. *Government of Detention Home.* [5121.] That the detention home shall be in charge of a matron or of a man and his wife, who shall be under the supervision of the judge of the juvenile court. The inmates of the detention home shall be controlled as far as possible through parental care. The children shall be placed in the public schools where possible, or, if it be so determined, the commissioners may provide for

separate instruction within the home. The detention home is to supplement the work of the juvenile court and to be used in lieu of any jail or prison, but it shall be the policy of the judge of the juvenile court, probation officer and the matron or superintendent of the detention home to make the said house of detention a temporary home, and as soon as possible to provide for the return of the inmates of the home to their natural parents or to parents by adoption. (Laws 1907, ch. 177, sec. 8.)

SEC. 330. *Record of Inmates of Detention Home.* [5122.] It shall be the duty of the matron or superintendent of the detention home to keep a complete record of all inmates of the home, including age, sex, time of admission, and time of discharge, conduct and character, state of health at time of admission and dismissal, and shall make a monthly report to the judge of the juvenile court on a blank provided for the same. (Laws 1907, ch. 177, sec. 9.)

SEC. 331. *Tax Levied for Detention Home or Juvenile Farm; Salary of Matron or Superintendent.* [5123.] For the support and maintenance of the detention home or juvenile farm, the county commissioners shall make an estimate of the cost and levy a tax, as in the case of providing for other expenses of the county, and all expenses of the said detention home or juvenile farm shall be accorded as a part of the expenses of the said juvenile court of the said county. The salary of the matron or superintendent shall be fixed by the county commissioners, and warrants drawn for the payment of said salary and all other bills regularly allowed by the said commissioners on account of said expenses for the maintenance of said detention home or juvenile farm. (Laws 1907, ch. 177, sec. 10.)

SEC. 332. *Annual Report of Judge of Juvenile Court.* [5124.] That the judge of the juvenile court shall make an annual report on the 1st day of July to the governor of the state, which shall be complete history of the proceedings of the court for the preceding year; that the said report shall contain statistics of the number of cases, the nature of the cases, and the disposition of the same. It shall also contain a financial statement of the court, including all expenses, expenditures made, and fines collected. (Laws 1907, ch. 177, sec. 11.)

SEC. 333. *Jurisdiction After the Age of Sixteen.* [5125.] When any offender before the age of sixteen has been brought before the judge of the juvenile court, the jurisdiction of said court over said offender shall not expire on account of the child's arriving at the age of sixteen, but said offender shall continue in the charge of said court until he is finally discharged by the same. (Laws 1907, ch. 177, sec. 12.)

SEC. 334. *Compensation in Counties Having a Population of Over 25,000.* [5126.] In counties having twenty-five thousand people or over, the probation officer who is appointed for said

county shall receive compensation not to exceed three dollars a day for time of actual service. (Laws 1907, ch. 177, sec. 13.)

SEC. 335. *Jurisdiction.* [5127.] The juvenile court shall have jurisdiction over all dependent children under sixteen years of age. All applications for the admission of children to the Soldiers' Orphans' Home shall be made to the juvenile court of the county of which any child is a resident. (Laws 1907, ch. 177, sec. 14.)

SEC. 336. *Police and Sheriff Entitled to Witness Fees.* [5128.] When the police of any city or the sheriff of any county in the state of Kansas shall appear before the judge of the juvenile court to make complaint of, to report on or to testify on account of dependent, defective or delinquent children, they shall receive ordinary witness fees for such services. (Laws 1907, ch. 177, sec. 15.)

SEC. 337. *Blanks.* [5129.] Blanks shall be used by the juvenile court in the several counties in Kansas which shall be furnished by the State Board of Control. (Laws 1907, ch. 177, sec. 16.)

SEC. 338. *Procedure in Juvenile Court.* [Laws 1911, ch. 236, sec. 1.] The procedure in the juvenile court for the trial of any person charged with causing, encouraging or contributing to the delinquency, dependency or neglect of any child shall be substantially the same as the procedure provided for the trial of misdemeanors before justices of the peace.

SEC. 339. *Appeal.* [Laws 1911, ch. 236, sec. 2.] Any person convicted in the juvenile court of causing, encouraging or contributing to the delinquency, dependency or neglect of any child may appeal from such judgment in substantially the same manner as is now provided for appeals from the judgment of justices of the peace in misdemeanor cases.

CHAPTER XVII.—KINDERGARTENS.

§340. Free kindergartens.

SECTION 340. *Free Kindergartens.* [7442.] That the school [board] of any school district[138] in the state shall have power to establish and maintain free kindergartens in connection with the public schools of said district, for the instruction of children between four and six years of age residing in said district, and shall establish such courses of training, study and discipline and such rules and regulations governing such preparatory or kindergarten schools as said board may deem best; provided, that nothing in this act shall be construed to change the law relating to the taking of the census of the school population or the apportionment of state and county school funds among the several counties and districts in this state; provided further, that the cost of establishing and maintaining such kindergartens shall be paid from the school fund of said districts, and the said kindergartens shall be a part of the public-school system, and governed, as far as practicable, in the same manner and by the same officers as provided by law for the government of the other public school[s] of the state; provided further, that no person shall be employed as a teacher in such kindergarten schools who has not passed a satisfactory examination in such subjects as the State Board of Education shall require. The State Board of Education shall adopt rules governing the examination of kindergarten teachers and shall furnish county superintendents with examination question[s], and the examination shall be held in the manner provided by law for the examination of teachers in the public schools; provided further, that any person who shall complete the course of training for kindergarten teachers at the State Normal School or its auxiliaries shall be entitled to teach in the kindergarten schools of this state without examination. (Laws 1907, ch. 325, sec. 1.)

138. Kindergartens may also be established in cities of the first and second class.

CHAPTER XVIII.—KANSAS STATE TRAVELING LIBRARIES AND APLINGTON ART GALLERY.

§841. Management of library.
842. Aplington art gallery.
§843. Management of gallery.

SECTION 341. *Management of Library.* [8252.] That the Kansas Traveling Libraries Commission shall have the management of the traveling library department of the state library, shall make such rules for the government of such department and the use of the books and other property thereof as they may deem necessary, and, under such regulations as they may prescribe, they may send out temporarily from the miscellaneous department of the state library such books (not including reference books or other books inappropriate for such purposes) as may be designated for that purpose by the directors of the state library and any books specially given to or bought for such traveling libraries to any library in the state, or to any community or organization not yet having an established library but which has conformed to the conditions of said regulations of said commission, and such books, when so sent out to such library, community, or organization, shall be there kept for the use of the public, subject to such reasonable regulations with reference thereto as may be adopted by said commission. And said commission shall from time to time so send out and distribute such books throughout the state, and at suitable intervals change such distribution, in such manner as to secure to the greatest practicable degree the use and enjoyment of such books to the people of the entire state. Said commission shall be entitled to receive the assistance of the assistant librarian of the state library who is in charge of the miscellaneous department of the state library. (Laws 1899, ch. 163, secs. 3 and 4.)

SEC. 342. *Aplington Art Gallery.* [8254.] That the state of Kansas accepts the proffer made by the Kansas Federation of Women's Clubs, and takes the collection of carbon photographic reproductions of the world's famous paintings for circulation amongst and for the use of the people of the state; provided, that the collection shall be marked and known as "The Aplington art gallery." (Laws 1907, ch. 385, sec. 1.)

SEC. 343. *Management of Gallery.* [8255.] That the Aplington art gallery is hereby constituted a part of the Kansas traveling libraries, and is placed under the direction and control of the Kansas Traveling Libraries Commission, with the same powers, duties and restrictions as are provided for the care, circulation and distribution of books belonging to the Kansas traveling libraries by chapter 163, Laws of 1899. (Laws 1907, ch. 385, sec. 2.)

CHAPTER XIX.—LEVIES.

§344. Levies, general limitation.
345. Levies, exceptions to limitations.
346. Increasing the levy.
§347. County clerk, excessive levies.
348. Penalty, officers.

SECTION 344. *Levies, General Limitation.* [9418.] All levies authorized in any taxing district by statute, and which are not expressly limited herein, are hereby limited so that no such levy shall be made in excess of twenty-five per cent of the rates so authorized. (Laws 1909, ch. 245, sec. 25.)

SEC. 345. *Levies, Exceptions to Limitations.* [9419.] No limitation imposed by this act shall in any wise apply to or in any way limit any levy which is authorized by statute for the purpose of creating sinking- and interest-funds necessary to liquidate at maturity the principal and interest of any indebtedness authorized by law; nor shall any provision of this act apply to or in any way limit special taxes levied by ordinance in any city. And nothing in this act shall be construed to limit the levy provided by any special act heretofore passed for the construction of roads, and under which any county is now operating. (Laws 1909, ch. 245, sec. 26.)

SEC. 346. *Increasing the Levy.* [9420.] If any board of levy, or any officer that is charged with the duty of levying tax in any taxing district, shall be of the opinion that the amount of tax limited by this act will be insufficient for the needs of such taxing district for the current year, the question of an increased levy may be submitted to the voters of such taxing district at a general election or at a special election called for the purpose in the manner provided by law for calling special elections in such taxing district; provided, that under the provisions of this section a vote may be had upon the question of an increased levy at the annual meeting of any school district. If any such question of increasing the levy shall be submitted at any election or meeting as above set forth, due notice thereof shall be given for at least thirty days in advance of such election or meeting by publication in the official county paper for all taxing districts, except school districts; but in school districts by posting a notice in the manner provided by law for other elections or meetings; said notice shall also give the proposed increase in the levy. If three-fourths of the votes cast at any such election shall be in favor of the increased levy, as named in said election notice, then the officers charged with levying taxes may make such increased levy for the year voted upon, and thereafter the limitation of this act shall apply, unless an increased levy for a particular year shall be voted at another election in like manner. (Laws 1909, ch. 245, sec. 27.)

SEC. 347. *County Clerk; Excessive Levies.* [9421.] Any levy which may be certified to the county clerk in excess of the limitations placed by this act shall be unlawful, and in any such case it shall be unlawful for the county clerk of any county within the state to enter upon the tax-roll of the county any such excessive levy; and in case of any such excess in any levy it is hereby made the duty of the county clerk and he is hereby required to reduce such levy and to extend upon the tax-roll only such a part thereof as will comply with the provisions of this act. (Laws 1909, ch. 245, sec. 27.)

SEC. 348. *Penalty; Officers.* [9422.] Any officer of any taxing district or any county clerk who shall violate any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars and shall also be subject to removal from office by a civil action. (Laws 1909, ch. 249, sec. 29.)

CHAPTER XX.—LIBRARIES, SCHOOL DISTRICT.

§349. School districts may vote a tax not to exceed two mills for district library.
350. The money so collected shall be used for no other purpose.
§351. Librarian to be appointed by district board.

SECTION 349. *Library Fund.* [7546.] That the several school districts of the state may, at the annual meeting in each year, vote a tax[139] upon all the taxable property of the district, not to exceed two mills[140] on the dollar, which tax shall be certified by the district clerk to the county clerk, at the same time and manner as other school-district taxes are certified; and the county clerk shall place the same on the tax-roll of the county in a separate column, designating the purpose for which such tax was levied; and said tax shall be collected and paid over to the treasurer of said district in all respects as other school-district taxes are collected and paid; provided, however, that in the districts where the taxable property of the district is more than $20,000 and not more than $30,000, there shall not be levied more than one and one-half mills[140] on the dollar; and where the taxable property is more than $30,000 and not more than $50,000, there shall not be levied more than one mill[140] on the dollar; and in all cases where the taxable property of the district shall exceed $50,000, there shall not be levied more than one-half mill[140] on the dollar. (Laws 1876, ch. 122, art. 8, sec. 1.)

SEC. 350. *How Used.* [7547.] The money so collected shall be used under the direction of the board of directors for the purchasing of a school-district library, and for no other purpose; and the district board, in the purchase of books, shall be confined to works of history, biography, science, and travels. (Laws 1876, ch. 122, art. 8, sec. 2.)

SEC. 351. *Librarian; Rules.* [7548.] The district clerk shall be the librarian, unless the board of directors shall appoint some other competent and suitable person, who shall reside in the district, to perform the duties of that office; and the board shall have power to make such rules and regulations in regard to the management of said library as they shall deem best, and they shall revise and change said rules from time to time as the necessities of the case may require. (Laws 1876, ch. 122, art. 8, sec. 3.)

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139. The library tax is an additional levy.

140. Limited to twenty-five per cent of the above amounts by Laws 1909, ch. 245, sec. 25 (section 344 of this book).

CHAPTER XXI.—NORMAL INSTITUTES.

§352. Normal institutes to be held annually.
353. Conductors and instructors; certificate of special qualifications required.
354. Normal-institute fund, how raised; each candidate for a teacher's certificate shall pay a fee of one dollar.
355. County treasurer custodian of funds.
356. County superintendent shall transmit funds to county treasurer.
§357. State superintendent of public instruction shall certify to state auditor the number of persons enrolled in each institute; auditor shall issue order on state treasurer for fifty dollars.
358. Institute fund, how disbursed.
359. Union institutes, how formed; custodian of fund.

SECTION 352. *Normal Institutes.* [7509.] The county superintendents of public instruction shall hold annually, in their respective counties, for a term of not less than four weeks, a normal institute for the instruction of teachers and those desiring to teach; provided, that in the sparsely settled portions of the state, two or more counties may be united in holding one normal institute, as hereinafter provided. (Laws 1877, ch. 136, sec. 1.)

SEC. 353. *Conductor and Instructors.* [7510.] The county superintendent of public instruction, with the advice and consent of the state superintendent of public instruction, shall determine the time and place of holding such normal institutes, and shall select a conductor and instructors for the same; provided, that no person shall be paid from the institute funds[141] for services as conductor or instructor of said institutes who has not received a certificate[142] from the state board of examiners as to his special qualifications[143] for that work.[144] (Laws 1877, ch. 136, sec. 2.)

SEC. 354. *Normal-institute Fund.* [7511.] To defray the expenses of said institute, the county superintendent shall require the payment of a fee of one dollar from each candidate for a teacher's certificate,[145] and the payment of one dol-

141. The law does not forbid the county superintendent to permit a person who has not been authorized by the State Board of Education to instruct in his institute, but he cannot pay for said services from the public funds.

142. Holders of special institute certificates must confine their instruction to the branches named in said special certificates.

143. It is contrary to public policy for an uncertificated person to instruct in a normal institute.

144. The county superintendent can conduct or instruct in his own institute without a certificate, but he cannot legally draw pay for such service.

145. The county superintendent must require the payment of a fee of one dollar from each *candidate* for a teacher's certificate. This fee should also be charged for temporary certificates and for the renewal of professional certificates. This fee should be collected in advance, and it cannot be returned to the unsuccessful applicant.

lar registration fee for each person attending the normal institute; and the board of county commissioners shall appropriate such sum as the county superintendent may deem necessary, for the further support of such institutes;[146] provided, such appropriation does not in any one year exceed the sum of $100. (Laws 1901, ch. 267, sec. 1.)

SEC. 355. *Custodian.* [7512.] The fund thus created shall be designated the "normal-institute fund," and the county treasurer shall be the custodian of said fund. (Laws 1877, ch. 136, sec. 4.)

SEC. 356. *Monthly Reports.* [7513.] The county superintendent shall, monthly, and at the close of each institute, transmit to the county treasurer all moneys received by him, as provided in section 3,[147] together with the name of each person so contributing, and the amount; and the county treasurer shall place all such moneys to the credit of the "normal-institute fund." (Laws 1877, ch. 136, sec. 5.)

SEC. 357. *State Aid.* [Laws 1911, ch. 270, sec. 1.] That section 7514 of the General Statutes of Kansas of 1909 be and the same is hereby amended so as to read as follows: Sec. 7514. It shall be the duty of the state superintendent of public instruction, annually, when twenty-five persons have registered as members of any normal institute organized under the provisions of this act and have paid the required registration fee, to certify the same to the auditor of state, who shall forward to the county treasurer of said county an order on the treasurer of the state for the sum of fifty dollars, to be paid out of any money appropriated for that purpose; which amount the county treasurer shall place to the credit of the "normal-institute fund"; provided, that when two or more counties shall unite in holding a normal institute in accordance with the provisions of the next succeeding section, and there shall be registered as members of such institute a number of persons which equals or exceeds the average of twenty-five for each county thus uniting, that said institute shall be entitled to receive the sum of fifty dollars for each county so united.

SEC. 358. *Disbursements.* [7515.] All disbursements of the "normal-institute fund" shall be upon the order of the county superintendent, and no orders shall be drawn on said fund except for claims approved by the county superintendent, for services rendered or expenses incurred in connection with the normal institutes.[148] (Laws 1877, ch. 136, sec. 7.)

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146. The board of county commissioners are required by law to make this appropriation.

147. Section 354 of this book.

148. It is unlawful for the county treasurer to pay an order on the "normal-institute fund" drawn "for services rendered," in favor of any

SEC. 359. *Union Institutes.* [Laws 1911, ch. 270, sec. 2.] That section 7516 of the General Statutes of Kansas of 1909 be and is hereby amended to read as follows: Sec. 7516. Two or more counties, each having less than 12,000 inhabitants, may unite in holding one normal institute, with the consent and by the direction of the state superintendent of public instruction; provided, that aside from determining the time and place of holding the normal institute and contracting with a conductor and instructors for the same, the superintendent of the county in which the institute shall be located shall be in charge of the same and direct and determine all matters of details; and such superintendent shall draw all orders upon the normal-institute fund as provided in the original act; and provided, that the treasurer of the county in which such normal institute is held shall be the custodian of the "normal-institute fund" to whom the state and county appropriations for the benefit of the normal institute shall be transmitted, and to whom the several county superintendents of the counties thus uniting shall transmit the fees collected, as provided in the original act; and providing further, that if a surplus should exist after payment of all the expenses of the normal institute the same shall be distributed equally among the normal-institute funds of the counties thus uniting.

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person not holding the certificate of the State Board of Education for institute work.

CHAPTER XXII.—NORMAL TRAINING.

§360. Normal courses in high schools.
361. State aid.
362. Rules and regulations by State Board of Education.
363. Examination; certificates.
§364. Academies eligible.
365. Appropriation for normal training.
366. Appropriation for agriculture and domestic science.

SECTION 360. *Normal Courses in High Schools.* [7845.] That for the purpose of affording increased facilities for the professional training of those preparing to teach, and particularly those who are to have charge of our rural schools, the State Board of Education shall make provisions for normal courses of study and for normal training in such high schools as said Board of Education shall designate; provided, that said high schools shall be selected and distributed with regard to their usefulness in supplying trained teachers for schools in all portions of the state and with regard to the number of teachers required for the schools in each portion of the state. (Laws 1909, ch. 212, sec. 1.)

SEC. 361. *State Aid.* [7846.] Each high school designated for normal training and meeting the requirements of the State Board of Education shall receive state aid to the amount of five hundred dollars per school year, to be paid in two equal installments, on the first day of March and the first day of June each year, from the state treasury, on a voucher certified to by its superintendent or principal and approved by the state superintendent of public instruction; provided, that no part of such money received from the state shall be used for any other purpose than to pay teachers' wages; and provided further, that in case more than one high school in any one county shall establish a normal course in accordance with the provisions of this act and shall be accredited by the State Board of Education the total state aid distributed in such counties shall not exceed one thousand dollars, and in case there are more than two high schools in any one county designated and accredited by the said State Board of Education state aid to an amount not exceeding one thousand dollars shall be equally divided among said schools. (Laws 1909, ch. 212, sec. 2.)

SEC. 362. *Rules and Regulations by State Board of Education.* [7847.] In order that a high school shall be eligible to receive state aid under this act it shall have in regular attendance in its normal-training courses at least ten students during each semester, and such normal-training work shall be given under such rules and regulations as the State Board of Education may prescribe, subject to the provisions of this act. (Laws 1909, ch. 212, sec. 3.)

SEC. 363. *Examinations; Certificates.* [7848.] On the third Friday and Saturday of May each year, in each high school

accredited under the provisions of this act, an examination of applicants for normal-training certificates shall be conducted, under such rules as the State Board of Education may prescribe. This examination shall be in charge of two competent persons appointed by said board. The said State Board of Education shall prepare the questions and fix the standard for the issuing of said certificates; provided, that said certificates shall be issued only to graduates of said normal courses of study, and shall be issued for a period of two years, and shall be renewable on conditions established by the State Board of Education. A fee of one dollar shall be charged each applicant, and the money so collected shall be turned over to the treasurer of the school where such examination is held, and the treasurer of such school shall pay the persons conducting said examination for their services in a sum not to exceed three dollars per day each. The manuscripts shall be properly wrapped and sealed and sent to the state superintendent of public instruction, accompanied by a fee of ten dollars from the funds of the schools. All moneys received by the state superintendent of public instruction from such source shall be turned into the state treasury, and shall become available to pay the expenses incurred by the State Board of Education in securing and paying for a competent examination and grading of said manuscripts. Said certificate shall be issued by the State Board of Education, and shall be valid in any county of the state. All moneys received from such source during the fiscal years ending June 30, 1910 and 1911, are hereby appropriated to pay for said expenses of said State Board of Education. Said expenses shall be paid on the warrants of the state auditor upon the filing of proper vouchers approved by the state superintendent of public instruction. (Laws 1909, ch. 212, sec. 4.)

SEC. 364. *Academies Eligible.* [7849.] Accredited academies are eligible to the operation of this act, except as to receiving state aid. (Laws 1909, ch. 212, sec. 5.)

SEC. 365. *Appropriation for Normal Training.* [Laws 1911, ch. 24, sec. 1.] There is hereby appropriated for normal-training courses in high schools $70,000 for the year 1912 and $75,000 for the year 1913, or so much thereof as may be necessary to carry out the provisions of the normal-training act of 1909, being chapter 212 thereof, and the rules and regulations of the State Board of Education made in accordance therewith; provided, that no high school situated in the cities having state normal schools shall receive said aid.

SEC. 366. *Appropriation for Agriculture and Domestic Science.* [Laws 1911, ch. 24, sec. 2.] There is hereby appropriated for the year 1912 $25,000 and for the year 1913 $25,000, to be expended as follows, and to be distributed in the same manner as is provided for the distribution of the state aid for normal-training courses: Any high schools that

now maintain a normal-training course under the provisions of chapter 212 of the Session Laws of 1909, or that shall put into operation such normal-training course, shall be entitled to the sum of $250 per annum; provided, that such schools shall also maintain courses in the elements of agriculture and domestic science under such provisions and regulations as may be established by the State Board of Education; and provided further, that no such school shall be eligible to the $250 annual state aid or any part thereof that shall not have at least ten pupils enrolled in such industrial courses each semester; and provided further, that the same rules and regulations as to examinations shall apply as in the case of the normal-training act.

CHAPTER XXIII.—PATRIOTIC INSTRUCTION.

§367. Display of flag.
368. Rules and regulations.
§369. Duty of state superintendent.
370. Patriotic exercises.

SECTION 367. *Display of Flag.* [7748.] It shall be the duty of the school authorities of every public school in the several cities, towns, villages and school districts of this state to purchase a suitable United States flag, flagstaff, and the necesary appliances therefor, and to display such flag upon, near or in the public-school building during school hours and at such other times as such school authorities may direct. (Laws 1907, ch. 319, sec. 1.)

SEC. 368. *Rules and Regulations.* [7749.] The said school authorities shall establish rules and regulations for the proper custody, care and display of the flag, and, when the weather will not permit it to be otherwise displayed, it shall be placed conspicuously in the principal room of the schoolhouse. (Laws 1907, ch. 319, sec. 2.)

SEC. 369. *Duty of State Superintendent.* [7750.] It shall be the duty of the state superintendent of public instruction of this state to prepare for the use of the public schools of the state a program providing for a salute to the flag at the opening of each day of school, and such other patriotic exercises as may be deemed by him to be expedient, under such regulations and instructions as may best meet the varied requirements of the different grades in such schools. It shall also be his duty to make special provision for the observance of [in] such public schools of Lincoln's birthday, Washington's birthday, Memorial day (May 30), and Flag day (June 14), and such other legal holidays of like character as may be hereafter designated by law. (Laws 1907, ch. 319, sec. 3.)

SEC. 370. *Patriotic Exercises.* [7751.] The state superintendent of public instruction is hereby authorized and directed to procure and provide the necessary and appropriate instructions for developing and encouraging such patriotic exercises in the public schools, and the state printer is hereby authorized and directed to do such printing and binding as may become necessary for the efficient and faithful carrying out of the purposes of this act. (Laws 1907, ch. 319, sec. 4.)

CHAPTER XXIV.—PUBLIC SCHOOLS IN CITIES OF THE FIRST AND SECOND CLASS.

§371. Board of education.
372. Election in 1911 and 1913.
373. Vacancies.
374. Text-books.
375. Nomination and election.
376. Organization of board.
377. Vacancy.
378. Clerk.
379. Superintendent.
380. Examining committee; teachers.

SECTION 371. *Board of Education.* [Laws 1911, ch. 267, sec. 1.] That in each city of the first and second class, except those cities having a population of more than 50,000 and less than 75,000 by the United States census of 1910, there shall be a board of education, which shall constitute a body corporate and politic, possessing the usual powers of public corporations, consisting of six members, to be nominated and elected by the qualified voters of the city at large, three of whom shall be elected at the general city election held in April of each odd-numbered year, and shall hold their office for the term of four years and until their successors are duly elected and qualified, and said term of office shall begin on the first Monday in August succeeding their election; provided, that no member of the board of education shall be a city commissioner or member of the city council, and no city commissioner or member of the city council shall be a member of the board of education. The territory attached to cities of the first and second class shall constitute a part of such cities for the purposes of this act.

SEC. 372. *Election in 1911 and 1913.* [Laws 1911, ch. 267, sec. 2.] That in cities of the first and second class, as provided in this act, in which at the time of the passage of this act the board of education consists of six members, there shall be elected at the general city election in 1911 three members, who shall hold their office for a term of four years from the first Monday in August, 1911, and at the general election in 1913 there shall be elected three additional members, who shall hold their office for a term of four years from the first Monday in August, 1913, and thereafter at the general election in each odd-numbered year there shall be elected three members for a term of four years; provided, that those members of the board of education at the time of the passage of this act whose term of office expires the first Monday in May, 1911, shall continue to serve as members of the board of education until the first Monday in August, 1911, and those members of the board of education whose term of office does not expire on or before the first Monday in August, 1911, shall serve in connection with the board of education until the expiration of the term for which they were elected; provided, that the members whose term of office expires the first Monday in May or

in August, 1912, shall continue to serve in connection with the other members until the first Monday in August, 1913. Thereafter the board of education shall consist of six members, elected as provided in section 1 of this act; provided further, that in cities of the first and second class, in which at the time of the passage of this act the board of education consists of twelve members, there shall be elected at the general city election in the year 1911 a full board of six members, who shall be divided into two classes of three each. Of the six members elected the three receiving the highest number of votes cast shall serve for four years, the three receiving the next highest number of votes cast shall serve for a period of two years, and thereafter three members shall be elected for a term of four years in each odd-numbered year; provided, that those members of the board of education at the time of the passage of this act whose term of office expires the first Monday in May, 1911, shall continue to serve as members of the board of education until August, 1911, and those members whose term of office does not expire on or before the first Monday in August, 1911, shall serve in connection with the board of education for the year ending on the first Monday in August, 1912, after which the board shall consist of six members, elected as provided in section 1 of this act; provided further, that in cities of the first and second class, in which at the time of the passage of this act the board of education consists of ten members, there shall be elected at the general election in 1911 three members, who shall hold their office for a term of four years from the first Monday in August, 1911, and at the general election in 1913 there shall be elected three additional members, whose term of office shall be four years from the first Monday in August, 1913, and thereafter there shall be elected three members of the board of education for a term of four years at the general election each odd-numbered year; provided, that the members whose term of office expires on the first Monday of May, 1911, shall serve as members of the board until the first Monday of August, 1911, and those members whose term of office expires on the first Monday of May or August, 1912, shall continue to serve in connection with the three members elected as hereinbefore provided until the first Monday in August, 1913. Thereafter the board of education shall consist of six members, elected as provided in section 1 of this act; provided further, that in cities of the first and second class, in which at the time of the passage of this act the board of education consists of eight members, there shall be elected at the general election in 1911 three members, who shall hold their office for a term of four years from the first Monday in August, 1911, and at the general election in 1913 there shall be elected three additional members who shall hold their office for a term of four years from the first Monday in August,

1913, and thereafter there shall be elected three members for a term of four years at the general election each odd-numbered year; provided, that the members whose term of office expires the first Monday in May, 1911, shall continue to serve as members of the board of education until the first Monday in August, 1911, and those members whose term of office expires the first Monday in May or August, 1912, shall continue to serve in connection with the three members elected as herein provided until the first Monday in August, 1913, and thereafter the board of education shall consist of six members, elected as provided in section 1 of this act.

SEC. 373. *Vacancies.* [Laws 1911, ch. 267, sec. 3.] That the board of education shall have power to fill any vacancy which may occur in their body; provided, that any vacancy occurring more than ten days previous to the date provided by law for the filing of primary nomination papers, and leaving an unexpired term of one or more years, shall be filled at the first city election thereafter, and the ballots and returns of election shall be designated as follows: "To fill the unexpired term of ——— years."

SEC. 374. *Text-books.* [Laws 1911, ch. 267, sec. 4.] That the board of education shall not authorize or permit any teacher or other employee to exclude as a basic text-book any text-book or other adoption now or hereafter adopted under authority of the General Statutes of this state, and any violation of this act shall render the violator liable to the same penalties as prescribed in chapter 179, Laws of 1897.

SEC. 375. *Nomination and Election.* [Laws 1911, ch. 267, sec. 5.] That in all cities of the first and second class which have heretofore adopted or shall hereafter adopt the provisions of the General Statutes of the year 1909 authorizing the government of such cities by boards of commissioners, candidates for nomination at the primary and for election as members of the board of education shall be nominated and elected in the same manner as nearly as practicable as are the mayor and commissioners in such cities, and may be recalled in like manner. The number of members to be elected at each general city election shall be certified to the city clerk by the president or clerk of the board of education at least ten days previous to the date provided by law as the last day for filing primary nomination papers. The names of all candidates shall appear in alphabetical order on the official city primary ballot, in a separate column, under the heading "Candidates for nomination for members of the board of education of ——— city at the primary election," and above the names the words "Vote for ———," filling in the blank with the figure equalling the number of members of the board of education to be chosen at the regular election. The names of double the number of members of the board to be elected receiving the highest num-

ber of votes at the primary election shall be placed upon the ballot as candidates for members of the board of education at the next succeeding general city election. The persons receiving the highest number of votes at such regular city election shall be declared elected, and each shall receive a certificate signed by the mayor and city clerk, under the seal of the city. Each person elected shall qualify within ten days after his election by filing an oath of office with the city clerk, but he shall not take office until the first Monday in August succeeding his election. The city clerk shall within thirty days after the canvass of the votes certify to the board of education the names of the candidates elected as members of such board. Any petition for nomination for member of the board of education filed prior to the date on which this act goes into effect, and complying with the law in effect at the time of filing said petition, is hereby declared to be legal.

SEC. 376. *Organization of Board.* [Laws 1911, ch. 269, sec. 1.] That the board of education in cities of the first and second class, at its regular meeting on the first Monday in August each year, shall organize by the election of a president and vice president from its members, each of whom shall serve for one year, and until his successor is elected and qualified; and the board shall elect a clerk for a term of one year, who shall not be a member of said board, and shall receive for his services such compensation as the board may allow.

SEC. 377. *Vacancy.* [Laws 1911, ch. 269, sec. 2.] That the board of education in cities of the first and second class shall have the right, at any regular or special meeting, to hold an election to fill any vacancy which may occur among the officers of the board, or any of its employees; and the board may remove any of its employees for incompetence, negligence, or immorality, after notice and a fair hearing of the person so charged. The fiscal year of the board shall close on the last day of June, and the annual reports of the president, clerk, superintendent and of the several committees shall be presented to the board on or before the first Monday in August of each year.

SEC. 378. *Clerk.* [Laws 1911, ch. 269, sec. 3.] That it shall be the duty of the clerk to be present at all meetings of the board, to keep an accurate journal of its proceedings, and to have the care and custody of the records, books and documents of the board, to countersign all warrants drawn upon the treasurer by order of the board, to keep an accurate account of all moneys paid to the treasurer on account of said board and all moneys paid or orders drawn on the treasurer by order of said board, and to prepare and publish an annual report showing (1) the moneys received by the treasurer since the last report, and from what source received; (2) the amount of sinking fund, and how invested; (3) the moneys paid out,

and for what; (4) the balance of general fund in the hands of the treasurer; (5) and the number, date and amount of any bond issued by said board and of all bonds purchased for the sinking-fund; and the clerk shall perform such other duties as the board or its committees shall require.

SEC. 379. *Superintendent.* [Laws 1911, ch. 269, sec. 4.] That the board of education in cities of the first and second class, at such times as they may deem expedient, shall elect a superintendent of schools, who shall not be a member of said board, for a term of one or two years, as the board may choose, and whose term shall begin on the first Monday in August. The superintendent shall have charge and control of the public schools of the city, subject to the orders, rules and regulations and by-laws of the board, and shall receive for his services such compensation as the board may allow. Such superintendent shall be the holder of a state certificate valid for at least three years, or be a graduate of an accredited normal school, college or university; provided, that the qualifications herein specified shall not apply to any person holding the position of superintendent of schools in any city of the first or second class at the date when this act shall take effect.

SEC. 380. *Examining Committee; Teachers.* [Laws 1911, ch. 269, sec. 5.] That the board of education in cities of the first and second class, at such times as they may deem expedient, shall appoint two competent persons who, with the superintendent as chairman thereof, shall be styled the examining committee of the board of education, whose duty it shall be to examine all persons who shall apply to them as teachers;[149] and no person except one who holds a diploma or a certificate from the State Board of Education or a diploma from the State Normal School shall be elected by the board as a teacher, unless such person is the holder of a certificate from the examining committee, signed by all or a majority of them, and setting forth that such person is competent to teach in such department of the public schools as may be stated in the certificate and is a person of good moral character.

149. *Qualifications of Teachers in Cities of the First and Second Class.* The school law authorizes the board of education in a city of the first or second class to examine teachers as to their qualification to teach in any given department of the public schools of such city. Said board of education has power to determine the kind and grade of the certificates and for how long valid. Certificates of this class of cities are a distinct class, and are valid in the city of issue only. Cities of the second class must recognize certificates and diplomas issued by the State Board of Education and diplomas from the State Normal School.

CHAPTER XXV.—PUBLIC SCHOOLS IN CITIES OF THE FIRST, SECOND AND THIRD CLASS.

§381. Right of eminent domain.
382. Commissioners to appraise and condemn property.
383. Notice; report.
384. Title to land; appeal.
385. Costs.
386. County high schools.
387. Depositories for funds, cities of second and third class.

SECTION 381. *Right of Eminent Domain.* [7859.] That the right of eminent domain be and the same is hereby conferred upon the boards of education of all cities of the first and second class, all such boards having always been distinct bodies corporate, possessing the usual powers of bodies of [or] corporations for public purposes, and any school district in which is located a city of the third class. (Laws 1909, ch. 86, sec. 1.)

SEC. 382. *Commissioners to Appraise and Condemn Property.* [7860.] Whenever it shall be deemed necessary by the board of education of any city of the first or second class or any school district in which is located a city of the third class to appropriate any private property for its use for sites for school buildings, playgrounds, or any addition or extension to any school building site or playground already selected, the board of education of such city or such school board shall cause a survey, description and plat of the land so required to be made and filed with its clerk, and thereupon shall make an order declaring that the appropriation of such land is necessary and setting forth for what purposes the same is to be used. Upon the written application of the board of education of said city or school board of any school district in which is located a city of the third class, or a majority of the board, it shall be the duty of the judge of the district court of the county in which such land is situated to appoint three disinterested freeholders of such county as commissioners to condemn and appraise such lands, which appointment shall be in writing and certified to said board of education or school board, and said board shall without delay cause such application and certificate of the appointment to be recorded in the office of the register of deeds of such county; and in case any person so appointed refuses or fails to serve as such commissioner for any reason, the said district judge, upon the application of such board, shall appoint some other person having the proper qualifications to fill such vacancy. Such commissioners shall be sworn honestly and faithfully to perform their duties; and such commissioners shall proceed immediately after their appointment to condemn and appraise the value of the lands so selected. (Laws 1909, ch. 86, sec. 2.)

SEC. 383. *Notice; Report.* [7861.] Such commissioners shall give at least thirty days' notice of the time and place

when and where the damage will be assessed, by publication for three consecutive weeks in some newspaper of general circulation published in such county that on the time fixed by such notice they will upon actual view appraise the value of the lands taken and assess any other damages to the owners thereof. Such notice shall describe the property taken and the name or names of the owner if known. The said commissioners may adjourn as often and for such length of time as may be deemed convenient, and may during any adjournment perfect and correct all errors or omissions in the giving of notice by making new publication, citing corporations or individual property owners who have not been notified, or if defective or insufficient notice has been given, a notice of any adjourned meeting shall be as effective as notice of the first meeting of the commissioners, and the commissioners shall, upon completing their duties, make and sign a report describing the land so condemned, the purpose for which it was condemned, and the appraised value thereof, which report shall be by them filed in the office of the city clerk of the city or clerk of said school district in which such land is located. And such city clerk or clerk of said school district shall immediately cause a certified copy of such report to be filed in the office of the register of deeds of the county in which such land is situated, and by such register duly recorded as other instruments of writing affecting the titles to real estate. (Laws 1909, ch. 86, sec. 3.)

SEC. 384. *Title to Land; Appeal.* [7862.] Such city clerk or clerk of such school district shall immediately cause a certified copy of such report to be filed with the clerk of such board of education or clerk of said school district. If within thirty days after such report is filed in the office of the city clerk or clerk of said school district the board of education or said school board shall pay to the county treasurer for the use of the owner of such land the amount of the appraised value thereof, the title to such land so condemned and appropriated shall immediately vest in such board of education of said school district, which shall have the right forthwith to take possession of, occupy, use and improve the same. Either party, the owner of the land or the board of education of said school district, may appeal from such appraisement to the district court in the same time and manner that appeals are taken from the judgments of justices of the peace in civil actions, except as provided in the following paragraph: The appeal bond shall be filed with and approved by the clerk of the district court in which said land so condemned and appropriated is situated, and such clerk or clerk of said district shall immediately make a transcript of the report of such commissioners and such bond and file the same with the clerk of the district court of the county in which said lands are located. (Laws 1909, ch. 86, sec. 4.)

SEC. 385. *Costs.* [7863.] That all costs and expenses of such condemnation proceedings shall be paid by such board of education or such school board out of its school fund. (Laws 1909, ch. 86, sec. 5.)

SEC. 386. *County High Schools.* [7864.] The provisions of this act shall also apply to and include boards of trustees of county high schools now or hereafter organized in the state of Kansas. (Laws 1909, ch. 86, sec. 6.)

SEC. 387. *Depositories for Funds, Cities of Second and Third Class.* [851.] That in all cities of the second and third classes the city treasurer, and also the treasurer of the board of education of cities of the second class, and the treasurer of the school board of any district in which there is a city of the third class, shall deposit all public moneys coming into their hands in their official capacity in some responsible bank or banks within said city, the same to be designated by the mayor and councilmen of such cities, and in the case of such school funds said depositories to be designated by the board of education or school board, as the case may be, in such city. Such deposit shall be made in the name of such treasurer as such officer, and such banks shall pay such interest on average daily balances as may be agreed upon, figured on even hundreds of dollars; provided, that in no case shall the rate of interest be less than two per centum per annum on such average daily balances; and provided further, that where more than one bank is designated as depository for any fund, such fund shall be equally divided by the treasurer of such fund among such banks. Before making such deposits the mayor and councilmen, the board of education or school board, as the case may be, shall take from such bank or banks a good and sufficient bond, payable to such city, board of education, or school board, as the case may be, the same to be approved by such mayor and councilmen, or board of education, or school board, as the case may be, in a sum double the largest approximate amount that may be on deposit at any one time, or the bond of some surety company empowered to do business in the state of Kansas in a sum aggregating the largest approximate sum that may be on deposit at any one time, conditioned that such deposit shall be promptly paid on the check or draft of the treasurer of such city, board of education or school board, and the bondsmen of such treasurer shall not be liable for money so deposited; but in no case shall more than one-half of the amount of said depository bond be subscribed by the officers of said bank, and such bank or banks shall on the first day of each month file with the clerk of such city, board of education or school board, as the case may be, a statement of the amount of money on hand at the close of business each day during the previous month and the amount of interest accrued thereon to said date. (Laws 1909, ch. 89, sec. 1.)

CHAPTER XXVI.—PUBLIC SCHOOLS IN CITIES OF THE FIRST CLASS.

§388. Cities of the first class defined.
389. Attachment of adjacent territory.
390. Powers and duties of board of education.
391. Duty of president.
392. Duty of vice-president.
393. Clerk shall execute bond; oath of office.
394. Treasurer, duty of.
395. Board not to receive pay.
396. Vacancy in committee, how filled.
397. Annual levy of taxes.
398. All school taxes shall be paid in money.
399. Limitation of levy.
400. The whole city shall compose a school district.
401. All city school property shall be vested in the board.
402. Sale or conveyance of school property.
403. Meetings of the board, when held.
404. Annual report of the board shall be published, when and how.
405. Restrictions regarding expenditures.
406. No sectarian doctrine shall be taught in the city schools.
§407. City school property exempt from taxation.
408. For what purpose the board may issue bonds.
409. Bond election; limitation.
410. Date, rate, maturity, and attest.
411. Annual levy for interest and sinking-fund.
412. Sinking-fund, how used and employed.
413. Interest to be paid, when.
414. Payment of interest and principal, how secured.
415. The clerk shall register bonds issued by the board.
416. Refunding outstanding bonded debt.
417. Registration of funding bonds.
418. Annual levy of tax to pay interest and principal of funding bonds.
419. Penalty for neglecting or refusing to levy bond tax.
420. Use of money levied and collected under this act.
421. Elections under commission system.

SECTION 388. *Defined.* [7554.] All cities of more than 15,000 inhabitants shall be governed by the provisions of this act. (Laws 1876, ch. 122, art. 10, sec. 1.)

SEC. 389. *Attachment of Adjacent Territory.* [Laws 1911, ch. 93, sec. 1.] Territory outside the city limits of any city of the first class, but adjacent thereto, may be attached to such city for school purposes, upon the application being made to the board of education of such city by a majority of the electors of such adjacent territory; and upon the application being made to the board of education they shall, if they deem it proper and to the best interests of the school of said city and territory seeking to be attached, issue an order attaching such territory to such city for school purposes and to enter the same upon their journal, and such territory shall from the date of such order be and compose a part of such city for school purposes only, and the taxable property of such adjacent territory shall be subject to taxation and bear its full proportion of all expenses incurred in the erection of school buildings and in maintaining the schools of said city. Such territory shall be attached to the several wards of such city contiguous thereto as shall be determined by the board of education of any such city, and when so attached shall remain parts of such for school purposes only. Persons residing upon such attached territory and possessing the qualifications of electors under the laws of the state of Kansas shall be qualified to vote at an election held in any such city for school purposes only in any such ward of such city to which such territory shall

be attached, and official ballots shall be printed for such attached territory to such wards as in other cases.

NOTE.—See sections 371-380 for the organization and election of boards of education in cities of the first class.

SEC. 390. *Powers and Duties of the Board.* [7584.] The board of education shall have power to elect their own officers, make all necessary rules for the government of the schools of such city under its charge and control and of the board, subject to the provisions of this act and the laws of this state; to organize and maintain separate schools for the education of white and colored children, including the high schools in Kansas City, Kan.; no discrimination on account of color shall be made in high schools, except as provided herein; to exercise the sole control over the public schools and school property of such city; and shall have the power to establish a high school or high schools in connection with manual training and instruction or otherwise, and to maintain the same as a part of the public-school system of said city. (Laws 1905, ch. 414, sec. 1.)

SEC. 391. *President.* [7563.] It shall be the duty of the president to preside at all meetings of the board of education, to appoint all committees whose appointment is not otherwise provided for, and to sign all warrants ordered by the board of education to be drawn upon the city treasurer for school moneys. (Laws 1876, ch. 122, art. 10, sec. 6.)

SEC. 392. *Vice President.* [7564.] It shall be the duty of the vice president to perform all the duties of the president, in case of his absence or disability. (Laws 1876, ch. 122, art. 10, sec. 7.)

SEC. 393. *Bond of Clerk.* [7566.] Before entering upon the discharge of his duties, the clerk of the board of education shall give bond in the sum of $1000, with good and sufficient securities, to be approved by the board, and shall take and subscribe an oath or affirmation before a proper officer that he will support the constitution of the United States, the constitution of the state of Kansas, and faithfully perform the duties of his office. (Laws 1876, ch. 122, art. 10, sec. 9.)

SEC. 394. *Treasurer.* [Laws 1911, ch. 95, sec. 1.] That section 7567 is amended to read as follows: Sec. 7567. The treasurer of the city shall be *ex officio* the treasurer of the board of education, and shall give such bond to the board of education as the board may require, said bond to be approved by the board of education and filed with its clerk. It shall be the duty of the treasurer to deposit daily all money belonging to the board of education in some responsible bank, to be designated by the board of education, in the name of such treasurer as such officer, which bank shall pay interest on monthly average balances as may be agreed upon by such bank and the board of education; and before making such deposits the board of edu-

cation shall take from such bank a good and sufficient bond in a sum to be designated by the board of education, conditioned that such deposits shall be promptly paid on the check or draft of such treasurer. The treasurer shall attend all of the meetings of the board when required to do so; shall prepare and submit in writing a monthly report of the finances of said board; and shall pay school monies only upon a warrant signed by the president, or in his absence by the vice president, and countersigned by the clerk. The treasurer shall receive from the board of education fifty dollars per annum for his services as treasurer, and no more; provided, that boards of education in cities of the first class may, if they deem it proper, elect the treasurer of the board of education to serve during the pleasure of the board and receive such salary as they may determine.

SEC. 395. *No Compensation.* [7568.] No member of the board of education shall receive any pay or emolument for his services. (Laws 1876, ch. 122, art. 10, sec. 11.)

SEC. 396. *Vacancy.* [7550.] The board of education shall have power to fill any vacancy which may occur in the examining committee. (Laws 1876, ch. 122, art. 10, sec. 13.)

SEC. 397. *Annual Levy of Taxes.* [7556.] That the board of education in cities of the first class shall, in the month of August of each year, levy a tax for the support of the schools of the city, including building and repair of school buildings, for the fiscal year commencing on the 1st day of July last preceding the month of August in which such levy shall be made, not exceeding in any one year twenty mills[150] on the dollar on all personal, mixed and real property within said city which is taxable according to the laws of the state of Kansas, which levy the president and clerk of the board shall, on or before August 25, certify to the county clerk, who is hereby authorized and required to place the same on the tax-roll of said county, to be collected by the treasurer of the county as are other taxes and paid over by him to the treasurer of the board of education, subject to the order of said board of education; provided, that in all cities of the first class having a population of exceeding thirty-eight thousand inhabitants, the board of education of such city shall have power and is hereby authorized to levy a tax for the support of the schools of such city for such fiscal year of not to exceed seventeen mills[150] on power, in addition thereto, to levy a tax upon all the taxable the dollar of all taxable property in such city,[151] and shall have

150. Changed to six mills for cities of 40,000 or under. For cities having a population of over 40,000, the maximum rate is five mills for the support of schools and one mill for building purposes. (Laws 1909, ch. 245, sec. 22 (section 399 of this book).

151. See section 298 of this book for provisions for manual training in cities of the first class.

property in such city of not exceeding three mills[150] on the dollar of the assessed valuation for building purposes and repairs of school buildings in such city; and provided further, that each and all of the foregoing levies hereby authorized shall be exclusive of and in addition to the amounts necessary to be levied under existing laws for the payment of interest upon bonds heretofore issued or which may be hereafter issued by boards of education of cities of the first class and for a sinking-fund for the redemption of such bonds, as provided by the laws under which such bonds have been or may be issued. (Laws 1907, ch. 330, sec. 1.)

SEC. 398. *Taxes.* [7571.] All taxes collected for the benefit of the public schools shall be paid in money, and shall be placed in the hands of the city treasurer, subject to the order of the board of education. (Laws 1876, ch. 122, art. 10, sec. 15.)

SEC. 399. *Levy, Limitations.* [9415.] The authority of boards of education in cities of the first class to levy taxes, as provided in chapter 330, Laws of 1907, is hereby limited so that the board of education of any such city shall not fix a rate of levy for the respective purposes in excess of the following-named rates: For the support of the schools of the city, including building and repairs of school buildings in all cities of 40,000 population or under, the rate of levy shall not exceed six mills; for the support of the schools in all cities having a population of over 40,000, the rate of levy shall not exceed five mills; for building purposes and repairs of school buildings in all cities having a population of over 40,000, the rate of levy shall not exceed one mill. (Laws 1909, ch. 245, sec. 22.)

SEC. 400. *District.* [7572.] The whole city shall compose a school district for all purposes of taxation, but may be subdivided by the board of education into as many districts as they may think proper. (Laws 1876, ch. 122, art. 10, sec. 16.)

SEC. 401. *Property.* [7573.] The title of all property held for the use or benefit of the public schools shall be vested in the board of education, and held by them in trust for the city; and the board of education may sue in its own name for all money due or to become due to the board or the school fund, and for any trespass upon, injury to or concession of any of the school property of said city, for the benefit of the school fund of such city. (Laws 1876, ch. 122, art. 10, sec. 17.)

SEC. 402. *Sale of Property.* [7574.] No school property of any kind shall be sold or conveyed by the board of education; except at a regular meeting of the same, and not then without an affirmative recorded vote of at least two-thirds of all the members of said board. (Laws 1876, ch. 122, art. 10, sec. 18.)

SEC. 403. *Meetings of the Board.* [7575.] The regular meetings of the board of education shall be upon the first

Monday in each month, but special meetings may be held from time to time, as circumstances may demand. (Laws 1876, ch. 122, art. 10, sec. 19.)

SEC. 404. *Annual Report.* [7576.] The board of education at the close of each school year, or as soon thereafter as practicable, shall make an annual report of the progress, prosperity, and condition, financial as well as educational, of all the schools under their charge; and said report, or such portion of it as the board of education shall consider of advantage to the public, shall be printed either in a public newspaper or in pamphlet form. (Laws 1876, ch. 122, art. 10, sec. 20.)

SEC. 405. *Expenditures.* [7577.] No expenditure involving an amount greater than $200 shall be voted, except in accordance with the provisions of a written contract. (Laws 1876, ch. 122, art. 10, sec. 21.)

SEC. 406. *Sectarian Doctrine.* [7578.] No sectarian or religious doctrine shall be taught or inculcated in any of the public schools of the city; but nothing in this section shall be construed to prohibit the reading of the Holy Scriptures. (Laws 1876, ch. 122, art. 10, sec. 22.)

SEC. 407. *Exemptions.* [7579.] All property held by the board of education for the use of public schools shall be exempt from taxation, and shall not be taken in any manner for any debt due from the city. (Laws 1876, ch. 122, art. 10, sec. 23.)

SEC. 408. *Bonds.* [7557.] Whenever it shall be necessary to raise funds to purchase a school site or sites, to furnish, to repair, to make additions, or to build a school building, it shall be the duty of the board to prepare an estimate of the costs of such site or sites, repairs, additions, or buildings, together with the cost of furnishing the same, with estimates, shall be spread upon the records of the board, when adopted by a recorded yea-and-nay vote of two-thirds of all the members of the board at a regular meeting; and in every case the board shall complete said repairs, additions, or buildings, together with the furnishing of the same and the purchase of such site or sites, within the estimated costs thereof; and in no case shall any board create a deficiency or outstanding obligations in the purchase of such site or sites, the making of such repairs, or the erection of additions or buildings. And every member of a school board who shall be a party to creating a deficiency or outstanding obligations within the meaning of this section shall be deemed guilty of a misdemeanor, and shall on conviction be punished by removal from office and a fine of not less than $100, and shall be personally liable for damages in any action, which it shall be the duty of the city attorney of such city of the first class to prosecute, brought in the name of such school district, for the amount of such deficiency or outstanding obligations,

which money when so collected shall be used to liquidate such deficiency or outstanding obligations; provided, that any vacancy created in any school board under the operation of this section shall be filled as provided in section 2 of this act.[152] (Laws 1891, ch. 196, sec. 3.)

SEC. 409. *Election; Limitation.* [Laws 1911, ch. 259, sec. 1.] That section 7558 of the General Statutes of the state of Kansas of 1909 is hereby amended to read as follows: Sec. 7558. It shall be the duty of the mayor of such city of the first class, within thirty days after receiving a certified copy of the action of the board of education showing a necessity and giving a statement of the estimated cost of such school sites, repairs, additions, building or buildings, signed by the clerk and countersigned by the president of the board, to issue a proclamation for holding an election to vote bonds to the amount prayed for by the board; and no bonds shall be issued unless a majority of the qualified electors of the city school district voting at such election shall vote therefor; nor shall the entire amount of such school bonds issued exceed in the aggregate, including existing indebtedness, in cities having a population of 20,000 and over, one per cent of the valuation of taxable property of such city as ascertained by the last assessment for state and county purposes previous to incurring the proposed indebtedness; in cities having a population of 20,000 and under whose assessed valuation does not exceed $11,000,000, two per cent of the value of the taxable property of such city as ascertained by the last assessment for state and county purposes previous to incurring the proposed indebtedness. Any member of a board of education, or officer thereof, who shall vote for, counsel, consent to or in any wise assist in the issue of any bond or bonds in excess of the percentum herein authorized shall be liable jointly and severally to the holder of any such bonds for the amount due thereon, to be recovered in a civil action in any court of competent jurisdiction; and judgment rendered thereon may be collected and enforced in the same manner as other judgments are collected and enforced; provided, that in cities of the first class having more than 70,000 population school bonds may be issued to the extent of not more than one and five-tenths per cent of such value of taxable property.

SEC. 410. *Date, Rate, Time, and Attest.* [7559.] The bonds, the issuance of which is provided for in this act, may, at the option of the board, be instalment bonds. All bonds shall be dated on the day they are issued, shall bear interest at a rate not exceeding six per centum per annum, payable semiannually on January and July 1, and shall be payable in not more than thirty years. They shall be signed by the president and secretary, attested with the seal of the board. The coupons, if any be attached, shall be signed by the president of the board,

152. Section 397 of this book.

and each bond so issued shall not be for a sum less than fifty dollars. (Laws 1891, ch. 196, sec. 5.)

SEC. 411. *Levy for Interest and Sinking-fund.* [7560.] The board of education in its annual estimate, as provided for in section 2 of this act,[153] shall include an amount sufficient to pay the interest as it accrues on all outstanding bonds issued by the board, and also to create a sinking-fund for the redemption of said bonds, and shall levy and cause the same to be collected as provided for in said section, in addition to the levy authorized by said section for school purposes; and such money shall remain a specific fund for said purposes only, and shall not be appropriated to any other purpose. (Laws 1891, ch. 196, sec. 6.)

SEC. 412. *Use of Sinking-fund.* [7580.] The moneys levied and collected for creating a sinking-fund for the redemption of the principal of the bonds issued by the board of education shall be used and employed or invested as follows: (1) After retaining an amount sufficient to pay the principal of any bonds maturing during the year, the board shall, with the surplus of such sinking-fund, when the same shall be $1000 or more, purchase any of the outstanding bonds issued by the board. Such purchase shall be made at the lowest price such bonds can be purchased at, but at not more than par value of such bonds; and whenever there shall be a surplus of such sinking-fund amounting to the sum of $1000, the board shall purchase therewith like bonds, on the same terms and conditions hereinbefore specified. (2) If for any reason such bonds cannot be purchased as hereinbefore specified, such sinking-fund shall be invested by the treasurer, under the direction of the board of education, at such times as the board shall direct, in the interest-bearing bonds of the United States or the state of Kansas, which shall be purchased at the lowest market price. Interest accruing upon such bonds shall be invested in the same manner and for the same purpose as sinking-fund. Such bonds shall be held by the treasurer until the principal of the bonds issued by the board of education shall become due, and shall then be sold at the highest market price, and the proceeds applied to the payment of the bonds; provided, that if at any time the board shall deem it best, it shall be lawful for such board to sell such bonds for the purpose of purchasing the bonds issued by such board; but all such sales shall be at the highest market price, and the bonds of the board purchased with the proceeds of such sale shall be purchased at the lowest price they can be obtained for, and not above the par value of such bonds; provided, that no bond issued by the board of education shall be purchased by said board that has not been outstanding five years; and provided further, that the bonds first maturing shall be first purchased,

153. Section 408 of this book.

if they can be purchased on terms as favorable to the board as any others offered for sale to the said board. All bonds of the said board purchased under the authority hereby given, or paid by the board, shall be forthwith canceled and destroyed, and the clerk shall enter on the bond register of the said board, on the margin of the record of said bonds, the date when the same were purchased and the price paid; and thereafter no interest or sinking-fund shall be levied or collected for or on account of said bonds so canceled. Such sinking-fund shall never be used nor appropriated in any other manner whatever. (Laws 1876, ch. 122, art. 10, sec. 27.)

SEC. 413. *Interest.* [7581.] Whenever the interest of the above-mentioned bonds shall become due, the same shall be paid by the treasurer. (Laws 1876, ch. 122, art. 10, sec. 28.)

SEC. 414. *Security.* [7582.] The credit of the school fund of the city is hereby pledged to the payment of the interest and principal of the bonds mentioned in this article, as the same may become due. (Laws 1876, ch. 122, art. 10, sec. 29.)

SEC. 415. *Bond Registry.* [7583.] It shall be the duty of the clerk of the board of education to register, in a book provided for that purpose, the bonds issued under this act, which said registry shall show the number, date and amount, and to whom is made payable, each of said bonds. (Laws 1876, ch. 122, art. 10, sec. 30.)

SEC. 416. *Refunding of Outstanding Bonded Debt.* [7586.] The board of education of any city of the first class is hereby authorized and empowered to refund any and all outstanding bonds heretofore issued by order of said board by issuing new bonds to the holders of such outstanding bonds; provided, that such new bonds shall not be for greater amount than the par value of the bonds refunded. Such refunding bonds shall severally be of such amount as said board shall direct, and shall state for what purpose issued, and be payable to the person to whom issued or bearer within twenty years after date, and shall bear interest at the rate not exceeding five per cent per annum, payable semiannually, on January 1 and July 1, as evidenced by coupons attached. All bonds refunded under the provisions of this act shall be noted as surrendered and canceled on the registry of the said board and the same shall be destroyed in the presence of said board. (Laws 1903, ch. 79, sec. 1.)

SEC. 417. *Bonds Registered.* [7587.] The bonds hereby authorized shall be numbered, and shall be registered in the book kept by said board for the registry of its bonds; and said bonds shall be signed by the president and clerk of said board, attested with the seal of said board by the clerk, and countersigned by the treasurer of said city. (Laws 1879, ch. 81, sec. 4.)

SEC. 418. *Levy of Bond Tax.* [7588.] The board of education, and any and all boards, body, or officers, by law au-

thorized to levy and collect taxes in and for said city for the support of schools therein, shall, at the same time and in the same manner as the other taxes for school purposes are levied and collected, and in each and every year until said bonds and interest are fully paid, as hereinbefore provided, levy or cause to be levied upon all the property within the said city subject to taxation for school purposes a tax or taxes sufficient in amount to pay and discharge two of the coupons of each of the bonds issued under the provisions of this act, and then outstanding, and cause the same to be collected in the same manner as other school taxes are collected, and with the money so collected pay and discharge the coupons for which said tax or taxes were levied. And it shall be the duty of the clerk of the said board to forthwith, on the payment of any such coupons, note their payment upon the registry of said bonds, and present the same to the board, and in their presence cancel the same in such manner as the board shall direct; and said coupons shall be carefully preserved until the final payment of said bonds, and then destroyed; and the possession of such coupons by the board shall be conclusive evidence of their payment. And the said board shall issue no bonds hereafter, except the refunding bonds provided for by this act. (Laws 1879, ch. 81, sec. 5.)

SEC. 419. *Penalty.* [7589.] If said board of education, or other board, body, or officer, whose duty it shall be to levy taxes for the payment of the coupons of the said bonds, as herein provided, shall neglect or refuse to levy the tax or taxes for the payment of the coupons as by this act required, each member of such board or body, and each officer, who shall vote against or otherwise oppose the levy and collection of such tax or taxes, or shall do any act to prevent or delay such levy and collection, shall be liable, jointly and severally, to each and every holder of such bonds, or coupons of said bonds, which would have been payable from such taxes if the same had been levied, for the whole amount unpaid on such coupons; and the same may be recovered in a civil action in any court of competent jurisdiction, and judgment rendered thereon may be collected and enforced in the same manner as other judgments are collected and enforced; and any such officer so neglecting or refusing to levy such tax shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in an amount equal to the amount which it may be shown should have been so levied during such year, or imprisoned in the county jail for a term not less than three nor more than twelve months. (Laws 1879, ch. 81, sec. 6.)

SEC. 420. *Use of Money Levied and Collected under this Act.* [7590.] Moneys levied and collected and received under and pursuant to this act shall not be used or employed for any other purpose than the payment of coupons of the bonds by

this act authorized; and any member of said board, or officer, who shall cause such money so collected to be used for any other purpose, temporary or otherwise, whatever, or counsel or consent to the same being so used, shall be liable jointly and severally to the holder of any such bonds or coupons for any coupons due, to be recovered and collected as in section 6 hereof specified.[154] (Laws 1879, ch. 81, sec. 7.)

SEC. 421. *Elections under Commission System.* [877.] In all elections held for the election of city or school officers, or for the purpose of authorizing the issuance of any bonds for school purposes, or other public improvements, or in the adoption or rejection of this act, and in all elections held under this act, the right of any citizen to vote shall not be denied or abridged on account of sex, and women may vote at such elections the same as men and under like restrictions and qualifications, and any woman possessing the qualifications of a voter under this act shall also be eligible to any such city or school office. (Laws 1909, ch. 74, sec. 1.)

154. Section 419 of this book.

CHAPTER XXVII.—PUBLIC SCHOOLS IN CITIES OF THE SECOND CLASS.

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424. Adjacent territory may be attached to city for school purposes; taxation in such cases; members of board.
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437. Limitation of levy.
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440. Meetings of board, when held.
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453e. Tax for interest and sinking-fund.
454. Treasurer of the board of education elected each odd-numbered year.
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SECTION 422. *Defined.* [7592.] All cities now organized and acting as cities of the second class, by virtue of the authority of former acts, and all cities hereafter attaining a population over 2000 and not exceeding 15,000 inhabitants, shall be governed by the provisions of this act; and whenever any city shall have hereafter attained a population exceeding 2000 inhabitants, and such fact shall have been duly ascertained and certified by the proper authorities of such city to the governor, he shall declare, by public proclamation, such city subject to the provisions of this act. The mayor and council of such city shall, at the time of making the certificate herein provided for, make out and transmit to the governor an accurate description by metes and bounds of all the lands included within the limits of such city, and the additions thereto, if any. (Laws 1876, ch. 122, art. 11, sec. 1.)

SEC. 423. *Free Schools.* [7593.] In each city governed by this act there shall be established and maintained a system of free common schools, which shall be kept open not less than three nor more than ten months in any one year, and shall be free to all children residing in such city between the ages of five and twenty-one years. But the board of education may, where school-room accommodations are insufficient, exclude for the time being children between the ages of five and seven years. (Laws 1876, ch. 122, art. 11, sec. 2.)

SEC. 424. *Adjacent Territory.* [7594.] Territory outside the city limits, but adjacent thereto, may be attached to such city for school purposes, upon application to the board of education of such city by a majority of the electors of such adjacent territory, and upon the application being made to the board of education they shall, if they deem it proper, and to the best interests of the schools of said city and territory seeking to be attached, issue an order attaching such territory to such city for school purposes, and to enter the same upon their journal;[155] and such territory shall from the date of such order be and compose a part of such city for school purposes only, and the taxable property of such adjacent territory shall be subject to taxation, and shall bear its full proportion of all expenses incurred in the erection of school buildings and in maintaining the schools of the city. Whenever the territory so attached shall have attained a population equal to one-half that of any ward of such city, or whenever the taxable property of such attached territory shall be equal to one-half that of any one ward of such city, such attached territory shall be entitled to elect two members of the board of education, which said members shall be elected at the same time and in the same manner as other members of such board. The mayor and council and city clerk of such city shall provide for elections in said detached territory, and shall canvass the returns thereof in the same way as is required by law in respect to a ward of such city; provided, that the board of education shall pay all the expenses of such election. But until such attached territory shall be declared to have attained a population or taxable property equal to one-half that of any one ward of such city, such territory shall be attached to the several wards of such city contiguous thereto as shall be determined by the board of education of any such city, and when so attached shall remain parts of such city for school purposes only. Any persons residing upon such attached territory, possessing the qualifications of electors, as provided in section 5585 of the General Statutes of 1889, shall be qualified to vote at any election held in any such city for school purposes only, in any such ward of such city to which such territory shall be attached, and official ballots shall be printed for such attached territory to such wards as in other cases. (Laws 1903, ch. 234, sec. 1.)

SEC. 425. *Attachment for School Purposes; Taxation; Representation.* [7628.] That whenever any city of the third class shall become a city of the second class, the territory of the school district wherein such city is situated shall be and remain attached to such city for school purposes, unless detached by the county superintendent of public instruction, as provided

155. School districts may be annexed to cities of the second class by section 424. See, also, section 494 of this book.

in section 12 of chapter 152 of the Laws of 1881. All the property in such territory shall be subject to like taxation for school purposes as the property in said city. Whenever the population or taxable property of such territory outside of the limits of such city shall equal the population or taxable property of any ward of such city, such territory shall be entitled to elect two members of the board of education of such city, which said members shall be elected at the same time and in like manner as other members of such board. (Laws 1887, ch. 218, sec. 1.)

SEC. 426. *County Superintendents May Detach Territory.* [7430.] That the county superintendents of public instruction of the several counties of the state of Kansas are hereby authorized and empowered to detach territory from the school territory of cities of the second class, if said territory sought to be detached is outside the corporate limits of said city of the second class, notwithstanding the fact that said territory forming said school district may have been formed into a school district while said city of the second class was a city of the third class; provided, the interests of the public schools of the county may warrant such action; provided, that no territory shall be detached unless a majority of the citizens living in such territory shall consent in writing to the same. (Laws 1891, ch. 88, sec. 1.)

SEC. 427. *Body Corporate.* [7595.] The public schools of each city organized in pursuance of this act shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "The board of education of the city of ——, of the state of Kansas"; and in that name may sue or be sued, and be capable of contracting and being contracted with, of holding and conveying such real and personal estate as it may come into possession of, by will or otherwise, or as is authorized to be purchased by the provisions of this act. (Laws 1876, ch. 122, art. 11, sec. 4.)

SEC. 428. *Conveyance of Property.* [7596.] Any city of the second class is hereby authorized and required, upon the request of the board of education of such city, to convey to said board of education all property within the limits of any such city heretofore purchased by any such city for school purposes, and now held and used for such purposes, the title to which is vested in any such city. (Laws 1876, ch. 122, art. 11, sec. 5.)

SEC. 429. *How Executed.* [7597.] All conveyances for the property mentioned in the preceding section [428] shall be signed by the mayor and attested by the clerk of said city, and shall have the seal of the city affixed thereto, and be acknowledged by the mayor of such city in the same manner as other conveyances of real estate. (Laws 1876, ch. 122, art. 11, sec. 6.)

SEC. 430. *Powers.* [7600.] The board of education shall have power to elect their own officers, except the treasurer; to make their own rules and regulations, subject to the provisions of this article; to organize and maintain a system of graded schools; to establish a high school whenever in their opinion the educational interests of the city demand;[157] and to exercise the sole control over the schools and school property of the city;[158] and maintain such high school, in whole or in part, by demanding, collecting and receiving a tuition fee for and from each and every scholar or pupil attending such high school.[159] (Laws 1889, ch. 224, sec. 1.)

NOTE.—See sections 371 to 380 for the organization and election of boards of education in cities of the second class.

SEC. 431. *President.* [7602.] It shall be the duty of the president to preside at all the meetings of the board of education, to appoint all committees whose appointment is not otherwise provided for, and to sign all warrants ordered by the board of education to be drawn upon the treasurer for school moneys. (Laws 1876, ch. 122, art. 11, sec. 11.)

SEC. 432. *Vice President.* [7603.] It shall be the duty of the vice president to perform all the duties of the president in case of his absence or disability. (Laws 1876, ch. 122, art. 11, sec. 12.)

SEC. 433. *Bond of Clerk.*[160] [7605.] Before entering upon the discharge of his duties, the clerk of the board of education shall give bond in the sum of $1000, with good and sufficient sureties, to be approved by the board, conditioned for the faithful performance of the duties of his office. (Laws 1876, ch. 122, art. 11, sec. 14.)

SEC. 434. *Treasurer.* [7606.] The treasurer shall prepare and submit in writing a monthly report of the state of the finances of the district; and shall, when required, produce at any meeting of the board, or any committee appointed for the purpose of examining his accounts, all books and papers pertaining to his office; he shall pay moneys only upon a warrant signed by the president, or in his absence by the vice president, and countersigned by the clerk; and shall execute a bond in such sum as the board may require, with sufficient sureties, to be approved by the board, conditioned for the faithful dis-

157. For provisions for manual training in schools in cities of the second class see section 298 of this book.

158. See sections 382 and 492 of this book for power to condemn schoolhouse sites.

159. It is unconstitutional to collect tuition from pupils of the school district as provided in section 430. (See Board of Education v. Dick, 70 Kan. 434.)

160. A member of the board cannot legally serve as clerk of the board and draw pay therefor.

charge of his duties of treasurer to such board. (Laws 1876, ch. 122, art. 11, sec. 15.)

SEC. 435. *Annual School Tax.* [7608.] That the board of education in cities of the second class shall, on or before the 15th day of July of each year, levy a tax for the support of the schools of the city for the fiscal year next ensuing, not exceeding in any one year twenty mills[161] on the dollar on all personal, mixed and real property within the district which is taxable according to the laws of the state of Kansas, which levy the clerk of the board shall on or before August 1 certify to the county clerk, who is hereby authorized and required to place the same on the tax-roll of said county, to be collected by the treasurer of the county as are other taxes, and paid over by him to the treasurer of the board of education, of whom he shall take a receipt in duplicate, one of which he shall file in his office and the other he shall forthwith transmit to the clerk of the board of education. (Laws 1905, ch. 399, sec. 1.)

SEC. 436. *Limitation of Levy.* [9416.] The authority of boards of education in cities of the second class to levy taxes as provided in chapter 399, Laws of 1905, is hereby limited so that the board of education of any such city shall not fix a rate of levy for the support of the schools of the city in excess of six mills. (Laws 1909, ch. 245, sec. 23.)

SEC. 437. *Limitation of Levy.* [Laws 1911, ch. 265, sec. 1.] The authority of boards of education in cities of the second class having an assessed valuation of less than one million dollars to levy taxes as provided in section 7608 of the General Statutes of 1909 is hereby limited so that the board of education of any such city shall not fix a rate of levy for the support of the schools of the city in excess of nine mills.

SEC. 438. *Oath of Office.* [7622.] Each member of the board of education and officer provided for in this article shall take and subscribe an oath or affirmation to support the constitution of the United States, the constitution of the state of Kansas, and faithfully perform the duties of his office. The oath and bond of the clerk shall be filed with the treasurer. All other oaths and bonds shall be filed with the clerk. (Laws 1876, ch. 122, art. 11, sec. 32.)

SEC. 439. *Taxable Property.* [7609.] The taxable property of the whole city, including the territory attached for school purposes, shall be subject to taxation. All taxes collected for the benefit of the schools shall be paid in money, and shall be placed in the hands of the treasurer, subject to the order of the board of education. (Laws 1876, ch. 122, art. 11, sec. 19.)

SEC. 440. *Meetings of Board.* [7610.] The regular meetings of the board of education shall be upon the first Monday of each month, but special meetings may be held from time to

161. Limited to six mills by Laws 1909, ch. 245, sec. 23 (section 436 of this book). (See, also, section 437 of this book.)

time, as circumstances may demand. (Laws 1876, ch. 122, art. 11, sec. 20.)

SEC. 441. *Annual Report.* [7611.] The board of education, at the close of each school year or as soon thereafter as practicable, shall make an annual report of the progress, prosperity, and condition, financial as well as educational, of all the schools under their charge; and said report, or such portion of it as the board of education shall consider of advantage to the public, shall be printed either in a public newspaper or in pamphlet form. (Laws of 1876, ch. 122, art. 11, sec. 21.)

SEC. 442. *Expenditures; Contracts.* [7612.] No expenditures involving an amount greater than $200 shall be made except in accordance with the provisions of a written contract, and no contract involving an expenditure of more than $500 for the purpose of erecting any public buildings or making any improvements shall be made except upon sealed proposals, and to the lowest responsible bidder.[162] (Laws 1876, ch. 122, art. 11, sec. 22.)

SEC. 443. *Sectarian Doctrine.* [7613.] No sectarian doctrine shall be taught or inculcated in any of the public schools of the city; but the Holy Scriptures, without note or comment, may be used therein. (Laws 1876, ch. 122, art. 11, sec. 23.)

SEC. 444. *Bond Election.* [7615.] It shall be the duty of the mayor of each city governed by this act, upon the request of the board of education, forthwith to call an election, to be conducted in all respects as are the elections for city officers in the same cities, except that the returns shall be made to the board of education, for the purpose of taking the sense of such district upon the question of issuing such bonds, naming in the proclamation of such election the amount of bonds asked for, and the purpose for which they are to be issued. (Laws 1876, ch. 122, art. 11, sec. 25.)

SEC. 445. *Execution of Bonds.* [7616.] The bonds, the issuance of which is provided for in the foregoing section,[163] shall be signed by the president, attested by the clerk and countersigned by the treasurer of the board of education; and said bonds shall specify the rate of interest and the time when principal and interest shall be paid, and each bond so issued shall be for a sum not less than fifty dollars. (Laws 1876, ch. 122, art. 11, sec. 26.)

SEC. 446. *Levy for Interest and Sinking-fund.* [7617.] The board of education, at the time of its annual levy of taxes for the support of schools as hereinbefore provided, shall also levy a sufficient amount to pay the interest as the same ac-

162. A member of the board cannot legally enter into contract with the board to furnish supplies for the schools under said board's control nor to perform any service for said board for which said member draws pay. (See section 221 of this book.)

163. Section 444 of this book.

crues on all bonds issued under the provisions of this article, and also to create a sinking-fund for the redemption of said bonds, which it shall levy and collect, in addition to the rate per cent authorized by the provisions aforesaid for school purposes; and said amount of funds, when paid into the treasury, shall be and remain a specific fund for said purpose only, and shall not be appropriated in any other way except as hereinafter provided. (Laws 1876, ch. 122, art. 11, sec. 27.)

SEC. 447. *Bonds.* [Laws 1911, ch. 260, sec. 1.] That section 7614, General Statutes of Kansas 1909, be and the same is hereby amended to read as follows: Sec. 7614. That whenever it shall become necessary for the board of education of any city of the second class to provide funds for the purchase of a school site or sites, or to erect a suitable building or buildings thereon, or to fund any bonded indebtedness or any floating indebtedness which may at present exist in the public schools of said cities of the second class, it shall be lawful for the board of education of such city of the second class to borrow money for such purposes; and for such purpose or purposes the said board of education is hereby authorized and empowered to issue bonds bearing a rate of interest not exceeding five per cent per annum, payable annually or semi-annually at such time and place as may be mentioned on the face of the bonds, which shall be payable in not more than twenty years from their date, and the board of education is hereby authorized and empowered to sell such bonds at not less than their par value; provided, that no such bonds, except refunding bonds, shall be issued until the question of issuing the same shall be submitted to a vote of the people, and a majority of the qualified electors, male and female, who shall vote on the question of [at] any election called for the purpose shall have declared by their votes in favor of issuing such bonds; provided further, that the total indebtedness of the said board of education shall not thereby be increased to an amount exceeding two per cent of the authorized valuation of the territory within the jurisdiction of said board of education; provided further, that the board of education of cities of the second class may issue bonds at any time without such election to pay outstanding warrants or floating indebtedness which may exist at the passage of this act; and such board of education may issue at any time a bond for a sum not greater than ten hundred dollars to raise money to pay for needful repairs on school buildings or heating plants for the public-schools buildings, if the state school superintendent shall approve in writing such issue of bonds for floating indebtedness, and for the purpose in the above proviso; provided, it shall not at any time exceed an aggregate amount of the sum of five thousand dollars; provided further, that the right granted herein to boards of education to issue bonds without such election shall not be construed to authorize and [an] issue [of] bonds which, with

those of the same kind already outstanding, shall exceed two per cent of the assessment of taxation as shown by the last findings and determination of the proper board of equalization.

SEC. 448. *Use of Sinking-fund.* [7618.] All moneys raised for the purpose of creating a sinking-fund for the final redemption of all bonds issued under this article shall be invested annually by the board of education in the bonds of the state of Kansas, or of the United States, or the board may buy and cancel the bonds of the district whenever such may be purchased at or below par. (Laws 1876, ch. 122, art. 11, sec. 28.)

SEC. 449. *Interest.* [7619.] Whenever the interest coupons of the bonds hereinbefore authorized shall become due, they shall be promptly paid, on presentation, by the treasurer, out of money in his hands collected for that purpose; and he shall indorse upon the face of such coupons in red ink the word "Paid," and the date of payment, and sign the initials of his name. (Laws 1876, ch. 122, art. 11, sec. 29.)

SEC. 450. *Security.* [7620.] The school fund and property of such city and territory attached for school purposes are hereby pledged to the payment of the interest and principal of the bonds mentioned in this article, as the same may become due. (Laws 1876, ch. 122, art. 11, sec. 30.)

SEC. 451. *Bond Registry.* [7621.] It shall be the duty of the clerk of the board of education to register in a book provided for that purpose the bonds issued under this article, and all warrants issued by the board, which said register shall show the number, date and amount of said bonds, and to whom made payable. (Laws 1876, ch. 122, art. 11, sec. 31.)

SEC. 452. *Tax Levy.* [Laws 1911, ch. 115, sec. 1.] The boards of education of all cities of the second class having a population of over 7000 and less than 10,500 population are hereby authorized to locate and build schoolhouses within the district. Before any contract is let the board of education shall record upon the journal of its proceedings a finding that the erection of such schoolhouse or such addition thereto is a public necessity for the accommodation of its schools, and shall certify to the county clerk of the county a levy not exceeding two mills upon the dollar upon taxable property, real, personal or mixed, in the school district, including attached adjacent territory, if any, which taxes may be levied in addition to all taxes now levied under the law, and shall be levied and entered upon the tax-roll by the county clerk in the same manner and collected in the same manner as other taxes; provided, that the question shall have been submitted to the qualified electors of the district and a majority of all of the qualified

electors voting upon the proposition shall have declared by their ballots in favor of the levy.

SEC. 453*a*. *Bonds or Warrants.* [Laws 1911, ch. 115, sec. 2.] That the balance of the cost of said structure shall be divided into equal sums, for which the board of education shall issue either time warrants or bonds of the school district, in its discretion, signed by its president and clerk and countersigned by the treasurer of the district, in denominations not less than $100 nor more than $500, each bearing interest not exceeding five per cent, and which shall not be sold below par. and which shall mature in two and three years, in equal amounts, and a sufficient levy shall be certified and made in each year to pay said warrant or bonds and all accruing interest thereon. No school building or addition to school buildings built under this act shall cost more than $40,000.

SEC. 453*b*. *Bonds Issued to Pay Outstanding Warrants.* [Laws 1911, ch. 105, sec. 1.] The board of education of any city of the second class is hereby authorized to issue bonds of such board of education, in an amount not to exceed the total amount due on warrants of said board of education outstanding at the time this law takes effect, including accrued interest thereon. The proceeds derived from the sale of said bonds shall be used for the payment of the amount due on such outstanding warrants, including interest, and for no other purpose whatsoever.

SEC. 453*c*. *Denominations; Payment; Signatures.* [Laws 1911, ch. 105, sec. 2.] Said bonds shall be issued in denominations of not less than $100, and shall be payable not more than twenty years from the date thereof, and shall bear interest at a rate not to exceed five per cent per annum, payable semi-annually, for which interest coupons shall be attached to said bonds. The board of education issuing said bonds shall by resolution determine the time or times when said bonds shall be payable and the denomination or denominations thereof. The bonds shall be signed by the president and clerk of the board of education issuing the same, and the coupons shall be signed in the same way, or have printed or engraved thereon a facsimile of said signature.

SEC. 453*d*. *Sale of Bonds.* [Laws 1911, ch. 105, sec. 3.] Said bonds shall be sold under the direction of the board of education issuing the same, for not less than their par value, and no commission shall be allowed for the same. No bonds shall be delivered to any purchaser unless the board of education issuing the same shall receive at the time of the delivery thereof the outstanding warrants which are paid by the proceeds of said bonds.

SEC. 453*e*. *Tax for Interest and Sinking-fund.* [Laws 1911, ch. 105, sec. 4.] Each board of education issuing bonds under

the provisions of this act shall each year levy a tax on the taxable property of said city and the territory attached thereto for school purposes sufficient to pay the interest accruing thereon, and shall also make such provision for a sinking-fund as it may deem proper.

SEC. 454. *Treasurer of the Board.* [949.] There shall be elected, on the first Tuesday of April of each odd-numbered year, a mayor, police judge, city treasurer, and treasurer of the board of education, together with councilmen, members of the board of education, justices of the peace, and constables, as herein provided. The mayor shall appoint, by and with the consent of the council, a city marshal, a city clerk, a city attorney, and city assessor, and may appoint an assistant marshal, city engineer, street commissioner, and such policemen and other officers as they may deem necessary. The officers so appointed and confirmed shall hold their offices for the term of one year, and until their successors are appointed and qualified; the council shall by ordinance specify their duties and compensation, and by ordinance abolish any office created by them whenever they may deem it expedient. The mayor, councilmen, members of the board of education, justices of the peace, constables, city treasurer, police judge and treasurer of the board of education shall hold their offices for the term of two years, and all other officers for the term of one year; provided, at the first annual election after the organization of any city there shall be two councilmen and two members of the board of education elected from each ward, one of whom shall serve for one year and one for two years, and one councilman and one member of the board of education shall be elected from each ward at each annual election thereafter; provided, that no member of the board of education shall be a member of the council, nor shall any member of the council be a member of the board of education, and no person shall hold the office of police judge and justice of the peace at the same time; and provided further, that in cities having a population of over 10,000 inhabitants the board of education shall consist of six members only. There shall be elected in such cities, on the first Tuesday of April, 1885, six members of the board of education, two of whom shall serve for one year, two for two years, and two for three years, and at the annual election every year thereafter two members of the board of education shall be elected for the term of three years. (Laws 1885, ch. 99, sec. 3.)

SEC. 455. *Validity of Official Acts.* [7627.] That in cases wherein, in cities of the second class of over 10,000 inhabitants, the boards of education have heretofore consisted of but six members, the official acts and proceedings of such boards heretofore had and taken, and contracts made and entered into and obligations incurred by such boards of education in pursuance of the laws of Kansas governing boards of education in

such cities, be and the same are hereby ratified and confirmed, and declared to be of the same validity, force and effect as though said boards of education had consisted of two members from each of the wards of such cities. (Laws 1907, ch. 243, sec. 1.)

CHAPTER XXVIII.—PUBLIC SCHOOLS IN CITIES OF THE THIRD CLASS.

§456. Cities of the third class defined; government of public schools. | §457. Shall not be detached from school districts, etc.

SECTION 456. *Defined.* [7629.] Public schools in incorporated cities which have not less than 250 and not over 2000 inhabitants, if not otherwise provided for by law, shall be governed by the provisions of this act which apply to the organization and maintenance of district schools[164] or of union or graded[165] schools. (Laws 1876, ch. 122, art. 12, sec. 1.)

SEC. 457. *Area.* [7630.] That no portion of the corporation of a city of the third class shall be detached from the school district in which the city is located, and the whole of such corporation shall be and remain in one school district for the purpose of schools and taxation.[166] (Laws 1876, ch. 122, art. 12, sec. 2.)

164. See chapters IX and XXXI.

165. See chapter XXXI.

166. See section 7628, General Statutes of 1909, concerning the detachment of territory where a city of the third class has become a city of the second class.

CHAPTER XXIX.—RETIREMENT FUND.

§458. Creation and maintenance.
459. Disbursement.
460. Retirement with thirty years' experience.
461. Retirement on account of disability or incapacity.
462. Refund or transfer of funds.
463. Term "teacher" defined.
464. Duty of treasurer.
465. Provisions voluntary.
466. Rules and regulations.

SECTION 458. *Creation and Maintenance.* [Laws 1911, ch. 280, sec. 1.] In any city of the first class in the state of Kansas there may be created by the board of education of such city a public-school teachers' retirement fund, which fund, when created, and the management and disbursement thereof, shall be under the control of the board of education of such city. Such retirement fund shall be created and maintained in the following manner: *First,* by an assessment of not less than one per cent nor more than one and one-half per cent of every installment of salary paid to a teacher employed in such city; *second,* by the setting aside from the general fund for the support of the schools in such city, of an amount which shall be not less than one and one-half times the amount of salary assessments, and not less than the amount necessary to meet the payments herein provided for; *third,* by the receipt by the gift or otherwise of any real, personal or mixed property or any interest therein.

SEC. 459. *Disbursement.* [Laws 1911, ch. 280, sec. 2.] Such a retirement fund when thus created and maintained, or so much thereof as shall be necessary, shall be disbursed in the manner hereinafter set forth; and any surplus of fund not needed for immediate disbursement may be invested by the board of education of such city, acting as trustees of such fund, in any bonds approved by the State School-fund Commission.

SEC. 460. *Retirement with Thirty Years' Experience.* [Laws 1911, ch. 280, sec. 3.] Any teacher who has been credited under the rules and regulations of such board of education with an aggregate of thirty years of teaching experience may be retired by such board of education. Any teacher so retired under the foregoing provision of this section, provided that at least fifteen years of such accredited teaching experience shall have been in the public schools of such cities of the first class, shall be entitled to receive from such retirement fund, so long as such teacher may live, equal monthly payments, which shall aggregate $500 per annum; provided, however, that no one shall receive such pension without paying into the fund therefor, by way of assessment or otherwise, not less than one-half of the amount of the first annual pension to which such person shall be entitled. And in order to make

up such one-half the board of education may provide for any deficiency by deducting the necessary amount from the first year's pension payments in equal amounts each month.

SEC. 461. *Retirement on Account of Disability or Incapacity.* [Laws 1911, ch. 280, sec. 4.] Any teacher who has been credited under the rules and regulations of such board of education with an aggregate of twenty-five or more years of teaching experience may be retired by such board of education on account of disability or incapacity, physical or otherwise. Any teacher so retired, provided that at least fifteen years of such accredited teaching experience shall have been in the public schools of cities of the first class, shall be entitled to receive from such retirement fund, during the period of retirement, monthly installments, the annual aggregate of which shall be such percentage of $500 as the number of years of such accredited teaching experience of the beneficiary shall bear to the term of thirty years. Any teacher so retired may, at the discretion of the board of education, should such teacher's incapacity or disability be removed, be reinstated as a teacher, and any right to any payments from this fund until such teacher again be retired shall cease with such reinstatement. And shall any teacher be so reinstated the years of such retirement shall be included in arriving at the term of service when such teacher may again be retired, but no credit for such years of retirement shall be given in arriving at the amount such teacher shall be entitled to receive from the retirement fund.

SEC. 462. *Refund or Transfer of Funds.* [Laws 1911, ch. 280, sec. 5.] If at any time a teacher who is willing to continue is not reëmployed or is discharged before the time when he or she would under the provisions of this act be entitled to a pension, then such teacher shall be paid back at once the money he or she may have contributed under this act. Should a teacher duly accredited in a city of the first class accept service in the public schools of any other city of the first class, a sum equivalent to all payments made by such teacher into the retirement fund shall be transferred to the retirement fund of the city in which such service is accepted. Any teacher who shall retire voluntarily from the service shall receive a refund of one-half of the money he or she shall have contributed under this act. And should any teacher die before receiving any of the benefits or pensions by this act provided the board of education shall pay to such teacher's heirs or estate one-half of the amount, without interest, which shall have been paid into such pension fund by said teacher.

SEC. 463. *Term "Teacher" Defined.* [Laws 1911, ch. 280, sec. 6.] In construing this act, the word "teacher" shall include all members of the teaching staff employed by the board of education of such city, which shall include superintendents,

supervisors, and assistants to the superintendent of instruction, principals, and teachers.

SEC. 464. *Duty of Treasurer.* [Laws 1911, ch. 280, sec. 7.] It is hereby made the duty of the treasurer of such city to keep any fund arising under the provisions of this act as a separate fund, and to disburse the same in accordance with the instructions and orders of the board of education of such city.

SEC. 465. *Provisions Voluntary.* [Laws 1911, ch. 280, sec. 8.] After said retirement fund shall be created by said board of education of such city, the salary of any teacher regularly employed by such city shall be exempt from the provisions of this act, provided such teacher shall make a request in writing for such exemption and file the same with the board of education of such city within one month after such teacher shall enter upon such regular employment as a teacher, and such request, when filed with the board of education of such city, shall constitute a waiver and a bar to the receipt of any benefits from the retirement fund herein provided for.

SEC. 466. *Rules and Regulations.* [Laws 1911, ch. 280, sec. 9.] The board of education shall have power to adopt rules and regulations for the carrying out of the purposes of this act not in conflict therewith.

CHAPTER XXX.—STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

§467. Official oath and bond.
468. Shall have supervision of the educational interests of the state.
469. May appoint an assistant superintendent and a clerk of the board of school-fund commissioners.
470. Apportionment of the annual school fund; time of making, and basis of the same.
471. Manner of apportioning the state annual school fund.
472. Official opinions to be given at the request of county superintendents, and a record of such decisions kept.
§473. May publish the school laws in force, and shall cause the printing and distribution of blanks required in transaction of the common-school business.
474. Shall visit schools and recommend text-books.
475. Office at seat of government; books, apparatus, reports, etc., to be preserved therein.
476. Evidence.
477. Biennial report; when it shall be made, and what it shall contain.

SECTION 467. *Oath and Bond.* [8913.] The state superintendent of public instruction shall, before he enters upon the duties of his office, take and subscribe the proper oath of office, and shall execute to the state of Kansas a bond in the sum of $10,000, with two or more sufficient sureties to be approved by the Executive Council, conditioned that he shall faithfully perform the duties of his said office, which oath and bond shall be filed in the office of the secretary of state. (Laws 1879, ch. 166, sec. 78.)

SEC. 468. *General Duties.* [8914.] The educational interests of the state shall be under the supervision and management of the state superintendent of public instruction, subject to such limitations and restrictions as are or may be prescribed by law; and he shall have and exercise the powers and perform the duties prescribed in the acts relating to common schools. (Laws 1879, ch. 166, sec. 79.)

SEC. 469. *Assistant and Clerk.* [8915.] The state superintendent shall have power to appoint an assistant superintendent of public instruction, who shall take the proper oath of office, which shall be filed in the office of the secretary of state; and such assistant shall perform such duties as his principal shall prescribe, not inconsistent with law. Such assistant shall be styled the "assistant state superintendent of public instruction," and the state superintendent shall be responsible for all the official acts of such assistant. Such superintendent may also appoint an additional clerk, who shall act as clerk of the board of commissioners for the management and investment of the school fund; and such clerk shall perform such other duties as the superintendent may require, and for whose official acts such superintendent shall be responsible. (Laws 1879, ch. 166, sec. 80.)

SEC. 470. *Apportionment of School Fund.* [8916.] Such state superintendent shall distribute the income of the state

school fund and the annual taxes collected by the state for the support of common schools to those counties of the state from which the proper reports have been received by said state superintendent. Such distribution shall be made twice in each year, as follows: All such moneys received up to the 15th of February shall be distributed between the 15th and last day of such month, and that received up to the 15th day of August shall be distributed between the 15th and last day of such month. The apportionment to each county shall be made in proportion to the number of children over the age of five years and under the age of twenty-one years, resident therein, as shown by the last annual report of the county superintendent to the state superintendent. (Laws 1879, ch. 166, sec. 81.)

SEC. 471. *Draw Orders.* [8917.] Such superintendent shall draw his order on the state treasurer in favor of the county treasurer of the counties respectively entitled to school moneys for the amount of such moneys apportioned to his county, and certify the amount of such order to the state treasurer and state auditor, and also to the county clerk and superintendent of the proper county. (Laws 1879, ch. 166, sec. 82.)

SEC. 472. *Official Opinions.* [8918.] Such superintendent shall, at the request of any county superintendent,[167] give his opinion, upon a written statement of facts, on all questions and controversies arising out of the interpretation and construction of the school laws in regard to the rights, powers and duties of school-district boards, school officers, and county superintendents, and shall keep a record of all such decisions. Before giving any such opinion, the superintendent may submit the statement of facts to the attorney-general for his advice thereon, and it shall be the duty of the attorney-general forthwith to examine such statement, and suggest the proper decision to be made upon such facts. (Laws 1879, ch. 166, sec. 83.)

SEC. 473. *School Laws and Blanks.* [8919.] Such superintendent, not oftener than once in two years, may publish the school laws in force, with such forms, regulations, instructions and decisions as he may judge expedient thereto annexed, and shall cause the same to be forwarded to the persons entitled to receive them. He shall prescribe and cause to be prepared all forms and blanks necessary in the details of the common-school system, so as to secure its uniform operation throughout the state; and shall cause the same to be forwarded to the several county superintendents, to be by them distributed to the several persons or officers entitled to receive the same. (Laws 1879, ch. 166, sec. 84.)

SEC. 474. *Visitation and Text-books.* [8920.] It shall be the duty of such superintendent to visit each county of the state

167. The state superintendent is required by law to render an opinion to the county superintendent. Such opinions should always be sought through the county superintendent.

at least once in two years, and as much oftener as consistent with the discharge of his other duties, for the purpose of advancing and promoting the cause of education throughout the state. It shall be his duty to recommend the most approved text-books for the common schools of the state, and to open such correspondence as may enable him to obtain all necessary information relating to the system of common schools in other states. (Laws 1879, ch. 166, sec. 85.)

SEC. 475. *Office.* [8921.] Such superintendent shall have an office in the capitol, where he shall keep all books and papers pertaining to the duties of his office; and all books, school and other, and all apparatus, maps and charts now belonging to the office of the state superintendent, and such as may hereafter be received for such office by purchase, exchange, or otherwise, shall be kept and preserved in such office, and delivered by the superintendent to his successor. He shall file and carefully preserve in his office the official reports made to him by the county superintendents of the several counties, trustees or directors of academies, graded schools, or colleges. (Laws 1879, ch. 166, sec. 86.)

SEC. 476. *Copies of Papers.* [8922.] Copies of all papers filed in his office, and the record of his official acts, may be certified by him, and when so certified shall be evidence equally and in like manner as the originals. (Laws 1879, ch. 166, sec. 87.)

SEC. 477. *Biennial Report.* [8923.] The superintendent shall, on the 1st day of December preceding each regular session of the legislature, make out and deliver to the governor a report containing: (1) A statement of the number of common schools in the state, the number of scholars attending the same, their sex, and the branches taught; a statement of the number of private or select schools in the state, so far as the same can be ascertained, and the number of scholars attending the same, their sex, and the branches taught; a statement of the number of normal schools in the state, and the number of students attending them; the number of academies and colleges in the state, and the number of students, and their sex, attending them; and such other matters of interest as he may deem expedient, drawn from the reports of the county superintendents of the several counties in the state, and from other reports received on the subject of education from trustees or other school boards within the state. (2) A statement of the condition of the common-school fund of the state, including moneys, school-lands or other property held in trust by the state for the support of common schools, and giving a full statement of the school-land account of each county. (3) A statement of the receipts and expenditures for the year. (4) A statement of plans for the management and improvement of common schools, and such other information relating to the educational interests of the state as he may deem important. (Laws 1879, ch. 166, sec. 88.)

CHAPTER XXXI.—SCHOOL DISTRICTS.

ARTICLE I.

§478. Shall be deemed organized, when.
479. Shall be a body corporate.
480. Joint districts, how formed and designated.
481. Joint-district fund.
482. Annual meeting, when held; notice; special meetings.
483. When business of annual meeting may be transacted at special meeting; when and how called.
484. Notice of district meetings.
485. Who may vote at district meetings.
486. How to proceed when a voter is challenged.
487. Powers of district meetings.
§488. Limitation of levy.
489. District meetings may determine length of school term, etc.; when board may determine the same.
490. Schoolhouse site may be changed.
491. Value of schoolhouse, how determined.
492. Schoolhouse site may be condemned, when and how.
493. Schoolhouse site acquired from school lands.
494. Territory annexed to city by extension of limits.
495. Duty of county superintendent.
496. Appeal to commissioners.

SECTION 478. *Organization.* [7396.] Every school district shall be deemed duly organized when the officers constituting the district board shall have been elected and qualified, and shall have signified their acceptance to the county superintendent in writing, which the superintendent shall file in his office.[168] (Laws 1876, ch. 122, art. 3, sec. 1.)

SEC. 479. *Body corporate.* [7397.] Every school district organized in pursuance of this act shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of school district No. — (such a number as may be designated by the county superintendent), —— county (the name of the county in which the district is situated), state of Kansas, and in that name may sue and be sued, and be capable of contracting and being contracted with, and holding such real and personal estate as it may come into possession of by will or otherwise, or as is authorized to be purchased by the provisions of this act. (Laws 1876, ch. 122, art. 3, sec. 2.)

SEC. 480. *Joint Districts.* [7398.] When it shall become necessary to form a school district lying partly in two or more counties, the county superintendents of the counties in which the said tract of country shall be situated, when application shall be made in writing to any one of them by five householders resident therein, shall, if by them deemed necessary, meet and proceed to lay off and form the same into a school district, issue notices for the first district meeting, and shall file the proper papers in their respective offices; and such district so organized shall be designated joint district No. —, counties of ——; and the boundaries of such district shall not be altered except by the joint action of the superintendents of

168. Officers elected at the first district meeting hold only until the next annual election.

the several counties represented in said district;[169] provided, that if in the alteration of or refusal to alter the boundaries of any joint school district, any person or persons shall feel aggrieved, such person or persons may appeal to the state superintendent of public instruction,[169] and notice of such appeal shall be served on the superintendents of the several counties represented in said district within ten days after the rendition by them of the decision appealed from, which notice shall be in writing, and shall state fully the objections to the action of the county superintendent, and a copy thereof shall be filed with the state superintendent of public instruction; and it shall be the duty of the county superintendent in whose possession are the papers connected with the action appealed from to transmit the same to the state superintendent of public instruction, immediately upon being served with notice of appeal, as hereinbefore presented; and thereupon the state superintendent of public instruction shall fix a time for the hearing of said appeal, and notify the several county superintendents interested, and the appellants, thereof; and his decision on said appeal shall be final, and shall be by him certified to the several county superintendents interested, and they shall take action in accordance therewith; and provided further, that each joint district, except in matters relating to the alteration of the boundaries thereof, shall be under the jurisdiction and control of the superintendent of that one of the counties represented in such district which has the largest amount of territory embraced within the boundaries of such joint district. (Laws 1879, ch. 158, sec. 1.)

SEC. 481. *Joint-district Fund.* [7399.] Whenever it shall appear that any school district in this state lies or is in two or more counties it shall be the duty of the treasurer of the county or counties having the smaller amount of territory in said district to transfer to the treasurer of the county having the greater amount of territory of said district, before the 10th day of January, 1st day of July and 20th day of September of each year, all moneys in his hands belonging to said district, including all money for the payment of bonds or interest on bonds of said district; and the treasurer receiving said money shall issue therefor and forward to the treasurer so sending the money receipts in triplicate, one of which said treasurer shall file with the county clerk of the county, and the board of county commissioners thereof shall give said treasurer proper credit therefor. One of said receipts shall

169. *Division of Joint District.* A joint district cannot be divided on the county line, thus forming two districts, one in each county. Such action would involve the disorganization of a joint school district, which a county superintendent is not authorized to do, except in special cases provided for by law. There is no appeal in the *formation* or refusal to *form* a joint district.

be sent to the county clerk of the county to which the money was sent, who shall charge the county treasurer with the amount thereof. (Laws 1889, ch. 226, sec. 1.)

SEC. 482. *Annual and Special Meetings.* [Laws 1911, ch. 283, sec. 1.] That an annual school meeting of each school district, of each consolidated school district, of each union or graded school district, and of each school district for which the date of the annual meeting has been fixed by a special act of the legislature, shall be held on the second Friday in April in each year, at two o'clock P. M. Notice of the time and place of said annual meeting shall be given by the clerk by posting written or printed notices in three public places within the district at least ten days before said meeting.[170] Special meetings may be called by the district board or upon a petition signed by ten legal voters of the district, but notice of such special meeting, stating the purpose for which it is called, shall be posted in at least three public places within such district ten days previous to the time of such meeting; provided, that the annual school meeting for union or graded school districts comprising the territory of two or more school districts shall be held at two o'clock P. M. on the Thursday immediately preceding the second Friday in April in each year.

SEC. 483. *Special Meetings.* [7403.] Whenever the time for holding an annual meeting in any district shall pass without said meeting being held, the clerk, or, in his absence, any other member of the district board, within twenty days after the time for holding said annual meeting shall have passed, may give notice of a special meeting, by putting up written notices[171] thereof in three public places within the district, at least five days previous to the time of meeting; but if such meeting shall not be notified within twenty days as aforesaid, the county superintendent may give notice of such meeting in the manner provided for forming new districts; and the officers chosen at such special meeting shall hold their offices until the next annual meeting, and until their successors are elected and qualified. (Laws 1876, ch. 122, art. 3, sec. 7.)

SEC. 484. *Notice of Meetings.* [7404.] It shall be the duty of the clerk to give at least ten days' notice previous to any annual or special district meeting, by posting up notices thereof at three or more public places in the district, one of which notices shall be affixed to the outer door of the schoolhouse, if there be one in the district, and said clerk shall give the like notice of every adjourned meeting, when such

170. A failure on the part of the district clerk to post the notices of the time and place of the annual meeting will not invalidate the proceedings of said meeting.

171. Notices of special meetings must be posted as required by law. A failure to so post them will invalidate the action of the meeting.

meeting shall have been adjourned for a longer period than one month. Every notice for a special district meeting shall specify the objects for which such meeting is called, and no business shall be acted upon at any special meeting not specified in said notice. (Laws 1876, ch. 122, art. 3, sec. 8.)

SEC. 485. *Qualified Voters.* [7405.] The following persons shall be entitled to vote at any district meeting: (1) All persons possessing the qualifications of electors as defined by the constitution of the state, and who shall have been in good faith residents of the district for thirty[172] days next prior to the time of offering to vote at said election. (2) All female persons over the age of twenty-one years, not subject to the disqualifications named in section 2,[173] article 5, of the constitution of the state, and who shall be residents in good faith in the district for thirty days next prior to the time of offering to vote at said election.[174] (Laws 1889, ch. 123, sec. 1.)

SEC. 486. *Challenge.* [7406.] If any person offering to vote at a school-district meeting shall be challenged as unqualified by any legal voter, the chairman presiding shall declare to the person challenged the qualifications of a voter, and if such challenge be not withdrawn, the chairman, who is hereby authorized, shall tender to the person offering to vote the following oath or affirmation: "You do solemnly swear (or affirm) that you are an actual resident of this school district, and that you are qualified by law to vote at this meeting." Any person taking such oath or affirmation shall be entitled to vote on all questions voted upon at such meeting. (Laws 1876, ch. 122, art. 3, sec. 10.)

SEC. 487. *Powers of District Meeting.* [7407.] The inhabitants qualified to vote at a school meeting lawfully assembled shall have power: *First* to appoint a chairman to preside over said meeting in the absence of the director; *second,* to adjourn from time to time;[175] *third,* to choose a

172. Voters who have come into a district by reason of attachment of territory to said district, by disorganization of said voters' original district by any legal process, retain all rights of suffrage at school elections and meetings, regardless of the thirty-day restriction.

173. See section 171, General Statutes of 1909.

174. *Naturalization.* A woman of foreign birth who is the wife of a naturalized foreigner, but who has not herself taken out naturalization papers, is entitled to vote at any school-district meeting, provided she possesses the other necessary qualifications. The naturalization of the husband naturalizes the wife and all children who are under the age of twenty-one years.

175. *Adjournment.* A district meeting has the right to adjourn from time to time, and if an adjournment is taken to a particular time, any business can be transacted at this adjourned session that might have been transacted at the regular meeting. No additional notice is necessary, unless the meeting shall have been adjourned for a longer period than one month. (See sec. 427.)

director, clerk and treasurer, who shall possess the qualifications of voters; *fourth,* to designate by vote a site for a district schoolhouse; *fifth,* to vote a sum annually, not exceeding the limit fixed by law,[176] as the meeting shall deem sufficient, for the various school purposes[177] and for the payment of any floating indebtedness of the district, and distribute the amount as the meeting shall deem proper in the payment of teachers' wages and to purchase or lease a site (provided, when not included within the limits of a town or village, said site shall not contain less than one acre), and to build, hire or purchase such schoolhouse,[178] and to keep in repair and furnish the same with the necessary fuel and appendages, and to pay any floating indebtedness of the school district; *sixth,* to authorize and direct the sale of any schoolhouse, site or other property belonging to the district when the same shall not longer be needful for the use of the district; *seventh,* to give such direction and make such provision as may be deemed necessary in relation to prosecution or defense of any suit or proceedings in which the district may be a party.[179] (Laws 1909, ch. 214, sec. 1.)

SEC. 488. *Limitation of Levy.* [9417.] The authority of the qualified voters of any school district at the annual meeting, as provided in chapter 318, Laws of 1907, to vote a tax for general school purposes is hereby limited to the extent that no tax shall be voted for such purpose at any such meeting which shall be in excess of three and one-half mills* upon the dollar of all the taxable property of any such school district;[180] provided, that in no event shall any school district levy any greater tax than is reasonably necessary for the ensuing school year.[181] (Laws 1909, ch. 245, sec. 1.)

SEC. 489. *School Term.* [7408.] The qualified voters at each annual meeting, or any special meeting duly called, may

176. Limited to four and one-half mills, Laws 1911, ch. 268, sec. 2 (sections 169 and 488 of this book). For means of increasing this amount, see Laws 1909, ch. 245, sec. 27 (section 346 of this book). The levy must be made in money and not in mills.

177. More than one school may be established within a school district.

178. A tax may also be levied for the purpose of purchasing a district library. (See section 349 of this book.)

179. *Australian Ballot.* The Australian-ballot law does not apply to elections in school-district meetings.

180. See section 346 for authority to increase the levy above 3½ mills.

181. The school district meeting is the judge as to the tax that is reasonably necessary, and not the county clerk or the county commissioners.

* Section 169 of this book changed the maximum amount of money that may be levied by a majority vote to an amount that will not exceed four and one-half mills.

determine the length of time a school shall be taught in their district for the ensuing year, which shall not be less than three months, and whether the school money to which the district may be entitled shall be applied to the support of the summer or winter term of school or a certain portion of each; but if such matters shall not be determined at the annual or any special meeting, it shall be the duty of the district board to determine the same.[182] (Laws 1903, ch. 436, sec. 1.)

SEC. 490. *Change of Site.*[183] [7409.] That school districts having schoolhouses the value of which is not less than $400, the schoolhouse site shall not be changed except by a vote of at least two-thirds of the legal voters of such district in favor of such change; and in districts where the value of the schoolhouse is less than $400, the schoolhouse site shall not be changed except by a vote of a majority of the legal voters of the district in favor of such change. (Laws 1903, ch. 428, sec. 1.)

SEC. 491. *Appraisement.* [7410.] The value of schoolhouses in districts desiring to change the schoolhouse site shall be determined by three appraisers appointed by the county commissioners. (Laws 1903, ch. 428, sec. 2.)

SEC. 492. *Site Condemned.*[184] [7411.] In case any school district or the board of education of any city of the second class cannot by purchase at reasonable rates, or by donation or otherwise, obtain title to the site selected by such school district; or if it be deemed advisable by such school district or by the district board to add other ground to any schoolhouse site already selected; or if, in good faith, but by mistake or otherwise, a schoolhouse has been or shall be erected wholly or partially upon any land or lot to which said school district at the time of the erection of such school building, or any addition thereto, had not acquired title, then, and in any such cases, upon the written application of the district board of such school district, or a majority of the board, it shall be the duty of the probate judge of the county in which such school district is situated to appoint three disinterested freeholders of such county, and not residents of such school district, to condemn and appraise such site, or addition thereto; and in case such land or lot so condemned and appraised shall be an original selection for a schoolhouse site, the amount so condemned and appraised shall not exceed one and one-half

182. The electors, at the annual or a special meeting, have no power to determine who shall or who shall not be employed as teacher, or the compensation such teacher shall receive. These are questions to be determined by the district board..

183. The vote to locate the school site after it has been changed requires only a majority of those voting on the proposition.

184. See sections 381 to 386 of this book.

acres; and if it be for an addition to an existing site, the additional amount condemned and appraised shall not, with the original site, exceed one and one-half acres. Immediately after their appointment, such appraisers shall proceed, and condemn and appraise the value of the site so selected, or the addition to such existing site. And they shall, within ten days thereafter, make and sign a report describing the land or lot so condemned, the purpose for which it was so condemned, and the appraised value thereof, which report shall be by them filed in the office of the register of deeds of the county in which such land or lot is situated, and by such register duly recorded, as other instruments of writing affecting the title to real estate are recorded. In appraising any schoolhouse site, or addition thereto, to which such school district had not title at the time of erecting any schoolhouse, or addition thereto, thereon, said appraisers shall exclude from their appraisement the value of such schoolhouse, or addition, and appraise such land or lot at its value, exclusive of such building, addition or other improvement placed thereon in good faith, but by mistake of said school district or said school-district board. Within thirty days after the report of said appraisers is filed in the office of the register of deeds, the district board of such school district shall pay to the county treasurer of the county in which such condemned land or lot is situate, for the use of the owner of such lands or lot, the amount of the appraised value thereof, and also fifty cents for said register of deeds for recording said report. And upon such payment being made to such county treasurer by such district board, the title to such site or addition thereto shall vest in such school district. Either party, the owner of the land or lot condemned or the school district, may appeal from such appraisement to the district court, in the same time and manner that appeals are taken from the judgments of justices of the peace in civil actions. (Laws 1885, ch. 174, sec. 1.)

SEC. 493. *Schoolhouse Site Acquired from School-lands.* [7653.] Any school district shall be entitled to purchase and acquire for schoolhouse site not exceeding two acres of any school-lands situated in such district, but such tract shall be situated on one of the boundary-lines of the section or cross-center lines thereof. The price to be paid for such land by the said school district shall be two dollars an acre, and upon presentation to the county clerk of a petition signed by a majority of the legal voters of the school district, and the payment of the purchase-price to the county treasurer, the county clerk shall issue the said school district a certificate of purchase. Upon the presentation of said certificate of purchase to the auditor of state he shall cause to be issued a patent for said land, but said certificate of purchase and said patent shall recite that upon the failure of said school district to use said land

for school purposes the title thereof shall be forfeited and revert to the state of Kansas. (Laws 1909, ch. 218, sec. 8.)

SEC. 494. *Territory Annexed to City.* [7762.] When all the territory of a school district shall become annexed to a city of the first or second class by the extension of the boundaries of the city, all the school property, including moneys on hand and due to said district, together with all records and papers belonging to said district board, shall be transferred to, and the title vested in, the board of education of such city, and said board of education shall assume and be held responsible for the legitimate floating and bonded indebtedness of such annexed district. (Laws 1893, ch. 128, sec. 1.)

SEC. 495. *Duty of County Superintendent.* [7763.] When, by the extension of the limits of any city of the first or second class, a part of the territory of an adjacent district is annexed to such city, it shall be the duty of the county superintendent to determine the present value of all the school property of such district, also all moneys due to or in the hands of the district treasurer, and to equitably apportion the amount due the district board, or board of education, as the case may be. The amount due to the district board or board of education of such city, when ascertained by the county superintendent, shall be levied upon the taxable property of that district or corporation found to be in debt, and shall be collected in the same manner as if the same had been authorized by the vote of the district board or by the board of education of such city, and when collected it shall be paid to the treasurer of that district or board of education to which it is due. The board of education, or the district board retaining the schoolhouse, shall assume the bonded indebtedness incurred in building and furnishing such schoolhouse. All unadjusted claims of city and school districts arising from such annexation previous to the passage of this act shall be adjusted in accordance with provisions of this section. (Laws 1893, ch. 128, sec. 2.)

SEC. 496. *Appeal.* [7764.] If, in the adjustment of school property where a part of a school district has been annexed to a city of the first or second class, any person or persons shall feel aggrieved by the decision rendered by the county superintendent, an appeal may be taken to the board of county commissioners; but a notice of such appeal must be served upon the county superintendent in writing within ten days after the rendition of his decision in adjusting the rights of the school district and the city school district. Such notice shall state fully the objections to the action of the county superintendent, a copy of which shall be filed with the county clerk, and also with the clerk of the district, or with the secretary of the board of education, as the case may be, affected by such decision. Such appeal shall be heard and decided by a majority of the board of county commissioners at their next regular meeting, and their decision shall be final. (Laws 1893, ch. 128, sec. 3.)

ARTICLE II.—UNION OR GRADED-SCHOOL DISTRICTS.[185]

NOTE.—A union or graded school is to be distinguished from a consolidated school provided for by chapter VII.

§497. Graded schools, how established.
498. Powers and duties of directors.
499. Union district entitled to share of school funds.
500. May levy taxes.
501. Shall receive its share of school moneys.
§502. Duties of clerk of union district.
503. Duties of treasurer of union district.
504. Public schools in cities shall receive their share of public-school funds, on what condition.
505. Any single district may establish graded schools.

SECTION 497. *How Formed.* [7535.] Whenever the inhabitants of two or more school districts may wish to unite for the purpose of establishing a graded school in which instruction shall be given in the higher branches of education, the clerks of the several districts shall, upon a written application of five voters of the respective districts, call a meeting of the voters of such districts at some convenient place, by posting up written notices thereof in like manner as provided for calling district meetings; and if a majority of the voters in each of the two or more districts shall vote to unite for the purpose herein stated, they shall, at that meeting or at an adjourned meeting, elect a board of directors, consisting of a director, clerk, and treasurer. (Laws 1876, ch. 122, art. 7, sec. 1.)

SEC. 498. *Duties of Board.* [7536.] The board of directors provided in the preceding section shall, in all matters relating to the graded schools, possess all the powers and discharge all the like duties of the district board of directors, as prescribed in this act. (Laws 1876, ch. 122, art. 7, sec. 2.)

SEC. 499. *School Funds.* [7537.] The union district thus formed shall be entitled to an equitable share of the school funds, to be drawn from the treasurer of each district so uniting in proportion to the number of children attending the said graded school for each district. (Laws 1876, ch. 122, art. 7, sec. 3.)

SEC. 500. *Levy Taxes.* [7538.] The said union district may levy taxes for the purpose of purchasing a building or furnishing proper buildings for the accommodation of the school, or for the purpose of defraying necessary expenses and paying teachers, but shall be governed in all respects by the law herein provided for levying and collecting district taxes. (Laws 1876, ch. 122, art. 7, sec. 4.)

SEC. 501. *Apportionment.* [7539.] The clerk of the union

185. The individual districts may still conduct their usual district schools but be a part of the union district for instruction in the higher branches. The plan is virtually a central high school. A resolution adopted at an annual meeting or at a special meeting called for the purpose is necessary before a graded school is subject to the provisions of this act. Other graded schools are not governed by the provisions of this act.

district shall report in writing to the treasurer of each school district uniting in the union district the number of scholars attending the graded school from his district, their sex, and the branches studied; and the said district treasurer shall apportion the amount of school money due the union district, and pay the same over to the treasurer of the union district on order of the clerk and director thereof. (Laws 1876, ch. 122, art. 7, sec. 5.)

SEC. 502. *Clerk.* [7540.] The clerk of the union district shall make a report to the county superintendent of public instruction, and discharge all the duties of clerk in like manner as clerk of the district. (Laws 1876, ch. 122, art. 7, sec. 6.)

SEC. 503. *Treasurer.* [7541.] The treasurer of the union district shall perform all the duties of treasurer as prescribed in this act, in like manner as the district treasurer. (Laws 1876, ch. 122, art. 7, sec. 7.)

SEC. 504. *Apportionment to Cities.* [7542.] The public schools of any city, town, or village, which may be regulated by special law set forth in the charter of said city, town, or village, shall be entitled to receive their proportion of the public-school fund; provided, the clerk of the board of education in such city, town or village shall make due report, within the time and manner prescribed in this act, to the county superintendent of public instruction. (Laws 1876, ch. 122, art. 7, sec. 8.)

SEC. 505. *Single District.* [7543.] Any single district shall possess power to establish graded schools, subject to the provisions of this article, in like manner as two or more districts united; provided, however, the regular district board of directors of the district shall have the power and shall have the management of the schools of the district and grade them in accordance with the action of the annual district meeting, and employ teachers and do all things pertaining to the union graded schools, without an additional board of directors, where a single district composes the union graded-school district; and provided further, that the director, clerk and treasurer of the regular district board shall possess all the powers to manage the union graded-school district when a single district composes the union graded-school district as the director, clerk and treasurer have in union or graded-school districts composed of two or more districts. (Laws 1907, ch. 331, sec. 1.)

CHAPTER XXXII.—SCHOOL-FUND COMMISSIONERS.

§506. Board of School-fund Commissioners, how composed and organized.
507. Meetings.
508. Record of School-fund Commissioners.
509. Register of bonds offered and bought.
510. Investment of funds.
511. Quorum.
512. Record of the condition of funds.
513. Where the records shall be kept.
514. Orders to be drawn in payment for bonds purchased.
515. The state treasurer shall be the custodian of funds and securities belonging to state permanent school, State Agricultural, State Normal School and State University funds.
516. Separate accounts.
517. The commissioners shall collect moneys due different funds.
518. Must sell bonds to commission.
519. May purchase below par or at lower interest.
520. Office of loan commissioner of State Agricultural College abolished.
521. Compensation of board.
522. Where person dies without heir and will, county superintendent may file petition in probate court.
§523. Probate court to order sale of estate described in petition.
524. Proceeds of sale paid through county treasurer into state permanent school fund.
525. All bonds belonging to state permanent school fund shall be consolidated, how.
526. Consolidated bonds shall be registered.
527. Registration of bonds.
528. Registration of bonds.
529. State treasurer's statement to state auditor.
530. Cancellation of bonds paid.
531. Comparison of registers kept by auditor and treasurer.
532. Penalty for delinquency of state treasurer.
533. Exchange of bonds.
534. How funding bonds are to be stamped.
535. Record of proceedings.

SECTION 506. *School-fund Commissioners.* [8939.] The state superintendent of public instruction, secretary of state and attorney-general shall constitute a board of commissioners for the management and investment of the state permanent school, State Normal School and State University funds. Such board shall be organized as follows: The secretary of state shall be the president of such board, and the state superintendent of public instruction shall be the secretary thereof. In the absence of either of said officers, the attorney-general shall act as president, or as secretary, as the case may require. Such commissioners, when acting as such, must act personally. No member thereof can be represented in such board by any assistant or clerk in the office of which such member is the chief officer. (Laws 1879, ch. 166, sec. 113.)

SEC. 507. *Meetings.* [8940.] Such board of commissioners shall meet regularly in the office of the state superintendent of public instruction, on the last Saturday of each month, at ten o'clock A. M. Special meetings of the board may be held at any time at the call of any member. (Laws 1879, ch. 166, sec. 114.)

SEC. 508. *Records.* [8941.] Said commissioners shall keep in a suitable book a full and correct record of all their proceedings at every session of the board, which shall include all of the matters required to be recorded as hereinafter specified in this act, and which record, at the close of each session, shall be signed by the president and secretary. (Laws 1905, ch. 472, sec. 1.)

SEC. 509. *Record of Bonds Offered and Bought.* [8942.] They shall also keep such other books as may be necessary to properly register and describe all bonds offered to them and all bonds bought by them for the benefit of the permanent school, State Agricultural, State Normal and State University funds, or either. Such record-books shall be ruled so as to enable the board to register the name and residence of the person offering to sell any such bonds, the price at which bonds were offered, the name and residence or location of the owner or municipal corporation for whom such offer is made, and a full detailed description of every bond so offered, including the date, number, series, amount and rate of interest of each bond, and when the interest and principal, respectively, are payable, and the date, amount and number of each coupon, and when payable, the name, residence and post-office address of the owner, the name, residence and post-office address of the agent or attorney representing the owner of such bonds, what disposition the owner of the bonds claims has been made of the missing coupons, if any; and upon the presentation of any bond or bonds for the purchase by the School-fund Commission, such bond or bonds, together with the record of the proceedings connected with the issuance of such bond or bonds, shall first be submitted to the attorney-general for his opinion as to the validity thereof. It shall be the duty of the attorney-general to immediately examine such bond or bonds and proceedings, and report thereon in writing to the School-fund Commission as to their validity. Upon receipt of such opinion, and before the board shall act upon the question of purchasing such bond or bonds, if the attorney-general approves them as valid, then the record hereinbefore provided for shall be made, and such record shall include the opinion of the attorney-general as to the validity thereof. (Laws 1905, ch. 472, sec. 2.)

SEC. 510. *Investment of Funds.* [8943.] Said board of commissioners shall have the power, and it is hereby made their duty, from time to time, to invest any moneys belonging to the permanent school fund, State Agricultural College, State Normal and State University funds in the bonds of the United States, or bonds of the state of Kansas, or bonds of any municipality of the state of Kansas, school-district bonds, bonds of boards of education, and in the warrants issued by the auditor of state on the state treasurer and by him stamped "Not paid for want of funds." In making such investment, they shall not pay for any such bonds or warrants any greater sum than par, nor more than the actual market price thereof at the time of purchasing the same, less than par; and whenever any municipality of the state of Kansas shall offer its bonds for sale the State School-fund Commissioners shall have the power to buy the same, if the validity thereof shall have been approved by the attorney-general; provided, that the commissioners shall

not invest in any other bonds which, together with other outstanding bonded indebtedness, shall exceed fifteen per cent of the assessed valuation of said municipality as returned and fixed by such municipality. (Laws 1905, ch. 472, sec. 3.)

SEC. 511. *Quorum and Business.* [8944.] Any two members of said board shall constitute a quorum. But such board shall not purchase any school-district bond or bonds except at a legal session thereof, nor unless every member of the board is notified in time to be present at such meeting, and notified also that the question of purchasing such bonds is to be considered thereat, designating the bonds. (Laws 1879, ch. 166, sec. 118.)

SEC. 512. *Record of Funds.* [8945.] Said commissioners shall keep a record showing a detailed statement of the condition of the state permanent school fund, State Agricultural, State Normal and State University funds under their control, amount of each fund, how invested, when due, interest paid, and every other act in any manner connected with the management and investment of said funds; and the state superintendent of public instruction shall biennially report all such investments to the governor, to be laid before the legislature, and shall also cause to be published at the end of each quarter of the calendar year, in the official state paper, a statement of the amount of each of such funds then on hand, the amount of each fund invested during this quarter, and a full description of the said bonds bought for each fund, date of such bonds, amount, rate of interest, when payable, number of coupons attached when bought, from whom purchased, and the price or rate paid therefor. (Laws 1905, ch. 472, sec. 4.)

SEC. 513. *Office and Records.* [8946.] All the record-books and records of such board shall be kept in the office of the state superintendent of public instruction, but the same shall be open during office hours for the inspection of every citizen of the state of Kansas. (Laws 1905, ch. 472, sec. 5.)

SEC. 514. *Orders Drawn.* [8947.] In the investment of the state permanent school, State Agricultural, State Normal and State University funds, the commissioners are hereby authorized to draw their orders on the state treasurer, payable out of the fund invested, for the purchase-price of the bond, bonds, or warrants, which orders, previous to their delivery, shall be registered in the state treasurer's office in a book provided for that purpose. Such orders shall not be drawn until the bonds purchased for which the order is drawn shall have been delivered to the state auditor for record and stamped as herein provided. Immediately upon the receipt of such bonds, the state auditor shall cause each bond and coupon to be plainly stamped upon the back thereof, "Property of the state ——— fund, nonnegotiable and nontransferable," with the name of the fund for which such bond is purchased. He will also cause to be made in a book kept for that purpose a record of each of

such bonds and each coupon thereto attached, which record shall show amount, date and rate of interest of such bond, when and where payable, the date, amount and number of each coupon and when payable. Whenever any bond or coupon shall have been paid, and one of the duplicate receipts therefor, issued by the state treasurer, shall have been received by the auditor of state, he shall credit such bond or coupon and charge the state treasurer with the amount so received. Semiannually, on the 1st day of March and September of each year, the state auditor shall compare said record with the similar record herewith required to be kept by the state treasurer and verify the same. (Laws 1905, ch. 472, sec. 6.)

SEC. 515. *State Treasurer to be Custodian.* [8948.] All moneys belonging to the state permanent school, State Agricultural, State Normal and State University funds shall be paid to and held by the state treasurer, and shall be subject to the order of the Board of School-fund Commissioners. The state treasurer shall also be the custodian of all bonds, notes, mortgages and evidences of debt arising out of the management and investment of the state permanent school, State Agricultural, State Normal and State University funds by said board of commissioners. Immediately upon the receipt by the state treasurer from the auditor of state of any bond, coupon or warrant stamped as herein required and purchased by the State School-fund [Commissioners] for any of the said funds, it shall be the duty of the state treasurer to immediately cause to be recorded, in a book to be kept for that purpose, a detailed description of such bond, coupon, or warrant, showing the date thereof, amount, when payable, rate of interest, number, by whom issued, where payable, and shall give to the auditor of state his receipt therefor. Whenever any such bond, coupon or warrant is paid, the state treasurer shall credit upon such record the amount of such payment and charge himself with the money, and shall issue his receipt for said sum in duplicate, one copy of which shall be transmitted to the auditor of state. (Laws 1905, ch. 472, sec. 7.)

SEC. 516. *Separate Account.* [7724.] He shall keep in a separate book an account of all school moneys received by him, distinguishing between the perpetual fund and the annual fund for disbursement, and shall report to the state superintendent on the 1st day of February and 1st day of August of each year the amount of money in his hands belonging to the permanent school fund and subject to investments, and on the 1st day of March and on the 25th day of July of each year the state treasurer shall report to the superintendent of public instruction the amount of money in the treasury belonging to the annual school fund and subject to disbursement on the semiannual dividends. (Laws 1876, ch. 122, art. 16, sec. 3.)

SEC. 517. *Collection of Moneys.* [8949.] It shall be the duty of said board of commissioners, from time to time, as soon as may be practicable, to collect all moneys due and owing to the state permanent school, State Agricultural, State Normal and State University funds, and make investments of the same as herein required. If any such moneys shall remain unpaid for thirty days after the same become due and payable, the commissioners shall notify the attorney-general of that fact, and it shall then be his duty to then proceed to collect the same by civil action, to be brought and prosecuted in the name of the state. (Laws 1905, ch. 472, sec. 8.)

SEC. 518. *Must Sell Bonds to Board.* [8950.] That the several municipal officers who have charge of the sale of any bonds hereafter to be issued, which the board of commissioners of the state permanent school fund are authorized to purchase under the law, are hereby directed to sell such bonds to said board of commissioners of the state permanent school fund, if it will pay par for the same; and it shall be unlawful for any such municipal boards, members thereof or other municipal officers to sell any such bonds without having first offered such bonds to said board of commissioners of the state permanent school fund; and every municipal board or member thereof, or other municipal officer, who shall sell any such bonds to any other person at any price, without having first given the board of commissioners of the state permanent school fund an opportunity to purchase same, as hereinbefore provided, and every other officer violating the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500, or by imprisonment in the county jail not exceeding six months, and shall forfeit his office. (Laws 1905, ch. 472, sec. 9.)

SEC. 519. *May Purchase Below Par.* [8951.] Said School-fund Commissioners may in their discretion agree with the parties offering bonds to take such bonds at par at a lower rate of interest than the interest stipulated in the bonds and coupons thereto attached. In case any such bonds so purchased by said board of commissioners provide for a higher rate of interest than the rate of interest at which they are purchased by said board, the rate at which they are purchased shall be distinctly noted upon such bonds and the coupons thereto attached, and the amount of such coupons shall be reduced accordingly, and the same notation shall be made on the record of such bonds kept in the office of such board. (Laws 1905, ch. 472, sec. 10.)

SEC. 520. *Office of Loan Commissioner Abolished.* [8952.] The loan commissioner for the board of regents of the State Agricultural College shall, immediately upon the taking effect of this act, deliver to the state treasurer all moneys, evidences of indebtedness, securities, books and records belonging or

appertaining to the State Agricultural College fund, and shall take the receipt of the treasurer therefor. All moneys belonging to said funds and so delivered to the state treasurer shall become subject to the provisions of this act. It shall be the duty of the said board of regents and the state accountant, immediately upon the taking effect of this act, to make final settlement with the loan commissioner, to close the accounts thereof with said loan commissioner, and the office of said loan commissioner is hereby abolished. (Laws 1905, ch. 472, sec. 11.)

SEC. 521. *Compensation.* [7697.] Said board of commissioners shall receive such pay for their services as may be prescribed by law. (Laws 1876, ch. 122, art. 15, sec. 6.)

SEC. 522. *Unclaimed Estates.* [7699.] In all cases where persons die without heirs, and intestate, it shall be lawful for the superintendent of public instruction of the county where any land lies, belonging to the estate of such person dying without heir and will, after a lapse of three years from the date of letters of administration upon such estate, to file a petition in the probate court of the county granting such letters, setting forth in said petition (1) that such deceased person died without heirs, and intestate; (2) that three years have elapsed since the date of letters of administration; (3) a description of the real estate; (4) that no debts remain unpaid of this estate not barred by the statute of limitation. Such petition shall be verified by the affidavit of the county superintendent of public instruction, or by some person who has knowledge of the fact. (Laws 1876, ch. 122, art. 15, sec. 8.)

SEC. 523. *Sale of Real Estate.* [7700.] It shall be the duty of the probate court, on the filing of the petition mentioned in the preceding section, and being satisfied that the facts stated in said petition are true, to issue an order to the administrator to sell the real estate described in such petition, in the same manner as real estate is sold by administrators for the payment of debts due from deceased persons; and the same proceedings shall be had in confirming the sale and the execution of the deed by the administrator as are provided by law for the sale of real estate for the payment of the debts of any deceased person. (Laws 1876, ch. 122, art. 15, sec. 9.)

SEC. 524. *Proceeds of Sale.* [7701.] It shall be the duty of the administrator, after the payment of the costs of said petition and making said sale and six per cent commission to such administrator, to pay the county treasurer of the county where the land is situated the remainder of the purchase-money for the benefit of the common schools of the state, and shall take duplicate receipts therefor; and it shall be his duty to file one of such duplicates with the probate court of the proper county. If, at any time within twenty-one years after

the date of payment of said money to the county treasurer, any person shall appear and claim said money as the rightful heir to said estate, and shall prove heirship satisfactorily to the probate court, the judge of said court shall so certify, and the state treasurer shall pay over to such claimant the sum so received from the county treasurer from such estate. (Laws 1876, ch. 122, art. 15, sec. 10.)

SEC. 525. *Consolidation of Bonds.* [7702.] It is hereby made the duty of the School-fund Commissioners to consolidate all state bonds now belonging to or hereafter coming into possession of the permanent school fund, in the following manner, to wit: All bonds falling due on the same date and bearing the same rate of interest shall be consolidated into one bond, of equal amount to the bonds so consolidated; and coupons of interest shall be attached thereto, of equal amount to the consolidated coupons, and payable in the same manner as the coupons of the bonds so consolidated; such consolidated bonds shall be made out by the auditor of state, signed by the governor, and attested by the secretary of state, and shall be made payable to the permanent school fund of the state of Kansas, and shall have imprinted on their face the words, "Not transferable." All bonds presented by the School-fund Commissioners shall, in their presence, be canceled and destroyed by the auditor of state, after a consolidated bond shall have been issued for the same. (Laws 1876, ch. 122, art. 15, sec. 11.)

SEC. 526. *Registry of Consolidated Bonds.* [7703.] All consolidated bonds shall be registered by the auditor as other state bonds now are registered. (Laws 1876, ch. 122, art. 15, sec. 12.)

SEC. 527. *Registration.* [6392.] Immediately after the passage of this act, it shall be the duty of the auditor of state to prepare a register of all bonds belonging to the permanent school fund. (Laws 1877, ch. 172, sec. 1.)

SEC. 528. *Bonds to be Registered.* [7710.] That it shall hereafter be the duty of the commissioners of the permanent school fund to present to the auditor of state all bonds which may hereafter be purchased by them prior to the deposit of the same with the state treasurer, and it shall be the duty of the auditor to register all bonds so presented. (Laws 1877, ch. 172, sec. 2.)

SEC. 529. *Treasurer's Statement.* [7711.] That it shall be the duty of the state treasurer, immediately after collecting any interest on such bonds or the principal of the same, to file with the auditor a detailed statement or statements of the amount or amounts so collected, stating the name of the county, the number of the district, the number of the coupons or bonds paid by such district, and the amount paid;

and the said treasurer shall cancel on the register in his office all coupons and bonds so paid. (Laws 1877, ch. 172, sec. 4.)

SEC. 530. *Cancelation of Bonds and Coupons.* [7712.] That immediately after the filing of such statement or statements by the treasurer, the auditor shall cancel such coupons or bonds as are designated in said statement or statements upon the register in his office, and charge the treasurer with the amounts. (Laws 1877, ch. 172, sec. 5.)

SEC. 531. *Bonds to be Compared.* [7713.] That it shall be the duty of the auditor of state, on the first Monday in August of each year, to compare the register kept by him with the bonds in the treasurer's office, and shall at the time of comparing such register require the treasurer to produce all coupons and bonds remaining unpaid, which shall be compared with the register. (Laws 1877, ch. 172, sec. 6.)

SEC. 532. *Penalty.* [7714.] That any state treasurer who shall fail or refuse to comply with the provisions of section 3 and section 5 of this act[186] shall be deemed guilty of having converted the same to his own use, and shall upon conviction be subject to all the penalties provided for in section 56 of chapter 102, General Statutes of the state of Kansas. (Laws 1877, ch. 172, sec. 7.)

SEC. 533. *Exchange of Bonds.* [7715.] The board of commissioners for the management of the state permanent school fund shall have the power to exchange any school-district or board-of-education bonds belonging to the permanent school funds now in the state treasury for other bonds of the same district or board of education bearing a lower rate of interest and running a longer time than the bonds exchanged, upon the application of the proper officers of such school district or board of education; provided, that they shall not receive any funding bonds running a less time than five years; and provided further, that the rate of interest on bonds so accepted by said commissioner shall not be less than four per cent. (Laws 1907, ch. 377, sec. 1.)

SEC. 534. *Funding Bonds to be Stamped.* [7719.] All bonds accepted as funding bonds by the board of commissioners shall be stamped by the auditor and deposited with the state treasurer, and the auditor shall charge the treasurer with the amount in the same manner as though said bonds had been purchased for cash. (Laws 1879, ch. 160, sec. 5.)

SEC. 535. *Record of Proceedings.* [7717.] The said board of commissioners, after having examined and accepted any funding bonds as contemplated in section 1 of this act, shall make a certificate in duplicate, directed to the state treasurer,

186. Section 530 of this book.

stating that they have examined and accepted the funding bonds of school district No. ——, of the county of ———, or board of education of the city of ———, for the sum of —— dollars, in lieu of bonds numbered ———, for like amount issued by said district or board of education, now in the state treasury, and belonging to the —— fund, and the treasurer of state is authorized to cancel and return the bonds so funded, together with the coupons attached thereto, and not matured, to the proper officer of the county, city, or school district, which said certificate shall be signed by a majority of the said commissioners, one of which shall be filed with the auditor of state and the other delivered to the state treasurer. (Laws 1879, ch. 160, sec. 3.)

CHAPTER XXXIII.—STATE ANNUAL SCHOOL FUND.

§536. State annual school fund shall consist of what.
537. State treasurer hold annual school fund subject to order of state superintendent.
538. Treasurer shall pay county treasurer on order of state superintendent.
539. County treasurer shall apply to state treasurer for school moneys apportioned to county.
§540. County treasurer, upon proper application, shall pay over moneys to district treasurer.
541. Each insurance company doing business in the state shall annually pay fifty dollars into the state annual school fund.

SECTION 536. *Shall Consist of What.* [7722.] The state annual school fund shall consist of the annual income derived from the interest and rents of the perpetual school fund, as provided in the constitution of the state. (Laws 1879, ch. 149, sec. 4, March 13.)

SEC. 537. *State Treasurer.* [7723.] The state treasurer shall receive all the annual income of the state appropriated for the annual support of schools, whether derived from the interest of moneys loaned, rents of school-lands, or annual tax, and hold the same subject to the order of the state superintendent of public instruction. (Laws 1876, ch. 122, art. 16, sec. 2.)

SEC. 538. *Payment.* [7725.] He shall pay over to the treasurer of each county, on application, the amount of school money due to said county, on order of the state superintendent of public instruction. (Laws 1876, ch. 122, art. 16, sec. 4.)

SEC. 539. *County Treasurer.* [7727.] The treasurer of each county shall apply for and receive of the state treasurer the school moneys apportioned to his county as soon as the same shall become payable. (Laws 1876, ch. 122, art. 16, sec. 6.)

SEC. 540. *Pay to the District Treasurer.* [7728.] Each county treasurer receiving such moneys shall, upon proper application of the district treasurer of any district, pay over to the said district treasurer the amount apportioned to the district by the county superintendent. (Laws 1876, ch. 122, art. 16, sec. 7.)

SEC. 541. *Insurance Companies.* [7729.] . . . Every insurance company doing business in this state shall, in addition to the fees required by this act (chapter 93, Laws 1871), pay into the state treasury, for the benefit of the annual school fund, the sum of fifty dollars each year. (Laws 1876, ch. 122, art. 16, sec. 8.)

CHAPTER XXXIV.—SCHOOL TEXT-BOOKS, UNIFORMITY.

§542. Commission; compensation.
543. Term.
544. Meetings. (See, also, § 572.)
545. Texts to be adopted.
546. Bids, how submitted.
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548. Secretary.
549. May consider manuscripts.
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551. Proclamation.
552. Dealers to establish agencies.
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554. District ownership.
555. Violation of contract.
556. Term of contract.
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§558. Advertise for bids.
559. Special meetings.
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562. Penalties.
563. Commission; penalty for violation.
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568. Unlawful to sell.
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570. Maps, globes, charts, and other apparatus.
571. Penalties.
572. Meetings. (See, also, § 544.)

SECTION 542. *Commission.* [7810.] That for the purpose of carrying out the provisions of this act there is hereby created a School Text-book Commission consisting of eight members, to be appointed by the governor, by and with the consent of the senate; provided, that not more than five of whom shall be selected from any one political party, who shall receive as their only compensation the sum of five dollars for each day's actual service at any regular or special session, and actual expenses in going to and returning from any meeting herein provided for; and the state superintendent of public instruction shall be *ex officio* chairman of said School Text-book Commission, with the right to vote upon any and all propositions; provided, that no per diem shall be allowed to any member of this commission who shall at the time of service thereon be receiving a stated salary from this state or from any county or city therein. (Laws 1907, ch. 328, sec. 1.)

SEC. 543. *Term.* [7811.] The term of office of this commission shall be four years from the first Monday in April, 1897, and at the expiration of said term of office, and each succeeding term, the governor shall appoint, by and with the consent of the senate, suitable persons members of this commission. And on the first Monday in May prior to the termination of any contract for the furnishing of text-books to the people of this state under this act, or upon the termination of any such contract or contracts, said commission shall have power, and it is hereby authorized and made the duty of said commission, to make new contract or contracts, or to relet any old contract or contracts for the furnishing of text-books as provided for in this act, and such commission shall succeed to all the powers, duties and obligations of the original commission. (Laws 1898, ch. 31, sec. 1.)

SEC. 544. *Meetings.* [7812.] The time of meeting for the commission herein provided for shall be the first Monday in

May, 1897, and at such other times as hereinafter provided for. (Laws 1897, ch. 179, sec. 3.)

SEC. 545. *Texts to be Adopted.* [7813.] The School Text-book Commission herein provided for shall be empowered and it is hereby authorized to select and adopt a uniform series of school text-books for use in the public schools of the state of Kansas, in the following-named branches, to wit: Spelling, reading, arithmetic, geography, English grammar, physiology and hygiene, history of the United States, civil government, elements of algebra and physical geography, elements of natural philosophy, bookkeeping, and a graded series of writing-books; provided, that the matter contained in the subject of reading shall consist of lessons commencing with the simplest expressions of English, through the regular gradations of lessons up to and including the highest style of both poetry and prose; providing, that no text-book shall be adopted by this commission that does not equal in quality of matter, material, binding and mechanical execution, and approximately equal in size, the following text-books in general use, namely: The speller to McGuffey's New Speller, the readers to McGuffey's Readers, the arithmetic to White's series of Arithmetic, the geographies to Rand & McNally's Geography, the grammar to Reed and Kellogg's Grammars, the histories to Barnes's School Histories, the physiology to Steel's Physiology, the civil government to Thummel's Government of the United States with Kansas addendum, elementary algebra to Ray's Algebra, physical geography to Rand & McNally's Physical Geography, elements of natural philosophy to Steel's Fourteen Weeks in Philosophy, bookkeeping to Bryant & Stratton's graded series, mental arithmetic to Bailey's Mental Arithmetic, and writing to the Eclectic Copy-book; provided, that no text-book shall be adopted that contains anything of a partizan or sectarian character. (Laws 1897, ch. 179, sec. 4.)

SEC. 546. *Bids; How Submitted.* [7814.] Any person, company or corporation desiring to make any bid or bids upon any of the matters provided for in this act shall submit the same in writing, together with an unconditional certified check for $1000 payable to the chairman of the commission, to be forfeited to the state if such party shall fail to enter into proper bond and make the required contract if awarded to him, carefully sealed and addressed to the chairman of the School Text-book Commission, Topeka, Kan., and said chairman shall preserve the same, unopened, until the time of meeting of said commission. (Laws 1897, ch. 179, sec. 5.)

SEC. 547. *Open Bids.* [7815.] At the first meeting of this commission, it shall receive and open all sealed bids and propositions on the following matters: *First,* from the publisher or publishers of school text-books for furnishing to the people of

the state of Kansas, for use in the public schools of this state as provided for in this act, for a term of five years, commencing September 1, 1897, each bid stating specifically the price at which each book is to be furnished, and to be accompanied by a specimen copy of each book to be furnished in such bid. *Second*, from any author or authors of school text-books who have manuscript of books not published for the price at which they will sell their manuscript, properly prepared for printer's copy, together with the copyright of such books, for use in the public schools of this state. *Third*, From persons who are willing to undertake the compilation of a book or books or series of books provided for in section 4 of this act,[187] the price at which they are willing to undertake said compilation of any or all of such books to the satisfaction of said commission; provided, that any and all bids by publishers herein provided for must be accompanied by a bond in the penal sum of $50,000, with resident freehold sureties to be approved by the Executive Council of this state, conditioned that if any contract be awarded to any bidder thereunder, such bidder will enter into a contract to and perform the conditions of his bid to the acceptance and satisfaction of said commission; and provided further, that no bid shall be considered unless the same shall be accompanied by an affidavit of the bidder that he is in no wise, directly or indirectly, connected with any other publisher or firm who is now bidding for books or manuscript submitted to said commission, nor has any pecuniary interest in any other publisher or firm bidding at the same time, and that he is not a party to any contract, compact, syndicate or other scheme, in regard to exchange of books, division of territory, or discount to dealers, whereby the benefits of competition are denied to the people of this state, and said commission shall have the right to reject any and all bids, and at their option shall have the right to reject any bid as to part of such books and to accept the same as to the residue thereof. At the meeting of said commission provided for in section 3 of this act,[188] said commission shall open and examine all sealed bids or propositions received pursuant to the provisions of this act; and it shall further be the duty of said commission to make a full, complete and thorough investigation of all such bids, restrictions, and propositions, and to ascertain under which such proposition or propositions the school text-books hereinbefore provided for could be furnished to the people of this state for use in the public schools at the lowest price, taking into consideration the size and quality as to matter, material, binding and mechanical execution of such books; provided, always, that such commission shall not, in any case, contract with any author, publisher or publishers for the furnishing of any book, manuscript, or

187. Section 545 of this book.

188. Section 544 of this book. (See, also, section 572.)

copyright of books which are to be sold to the people of this state for use in the public school at a price above or in excess of the following, which price shall include all costs and charges for packing, transportation and delivery to the several places hereinafter named in this state, namely: For the spelling-book, 10 cents; for the first reader, 10 cents; for the second reader, 17 cents; for the third reader, 23 cents; for the fourth reader, 30 cents; for the fifth reader, 40 cents; for the mental arithmetic, 20 cents; for the intermediate arithmetic, 25 cents; for the complete arithmetic, 35 cents; for the elementary geography, 30 cents; for the complete geography, 75 cents; for the English grammar, elementary, 20 cents; complete grammar, 35 cents; physiology and hygiene, 50 cents; for history of the United States, 50 cents; for elements of natural philosophy, 50 cents; for civil government, 40 cents; for elementary algebra, 50 cents; for physical geography, 80 cents; for bookkeeping, 40 cents; writing-books, 5 cents each; and any school-book company, person or firm, who shall contract to furnish the public schools of the state of Kansas with school-books under the provisions of this act, shall upon application of any school district within one year after the acceptance of the bid, take up the books now in use, and they shall exchange the new books at not more than 50 per cent of the maximum prices fixed by the provisions of this act; provided, that any school district or county that is now operating under a contract shall have the right to exchange, on the same terms, books for one year from the expiration of said contract. (Laws 1897, ch. 179, sec. 6.)

SEC. 548. *Secretary.* [7816.] At the first meeting of the members of this commission they shall select one of their number secretary, whose duty it shall be to keep a correct record of all proceedings, votes, and actions of this commission, which said records shall be deposited in the office of the state superintendent of public instruction at all times when said commission is not in session. All votes upon any proposition submitted to this commission shall be yea and nay, and recorded on the journal of the day's proceedings. No person, except members of this commission, shall be present at or cognizant of any proceedings of this commission, during any time that it is in session, and no member of this commission shall, during any meetings of this commission, give any information to any person or persons concerning any business transacted, or in course of transaction at any session of this commission, until after all the business of the session is concluded. At the close of each session of this commission the proceedings thereof shall be published in pamphlet form for general distribution among the people of this state. (Laws 1897, ch. 179, sec. 7.)

SEC. 549. *May Consider Manuscripts.* [7817.] If, upon the examination of bids and propositions, no publisher or pub-

lishers of school text-books has bid within the provisions of this act for furnishing the school text-books for use in the public schools of this state, as provided for in this act, then said commission is empowered and is hereby authorized to procure such manuscript, copyrights and propositions for the compilation of school text-books, as provided for in this act, as will supply the schools of this state, and advertise for sealed bids for publishing the same, and supplying them under the terms herein prescribed for publishers, and said contract may be let for the publication of all such books, or for one or more of such books separately. And it shall further be the duty of said commission to provide in the contract for the publication of any manuscript, for the payment, by the publisher, of the compensation agreed upon between such commission and the author or owner of any such manuscript, for such manuscript. (Laws 1897, ch. 179, sec. 8.)

SEC. 550. *State not Liable.* [7818.] It shall be a part of the terms and conditions of any contract made in pursuance of this act, that the state of Kansas shall not be liable to any contractor or contractors for any sum of money whatever, but that all such contractors shall receive their pay and compensation solely and exclusively from the proceeds of the sale of the book or books provided for in this act. (Laws 1897, ch. 179, sec. 9.)

SEC. 551. *Proclamation.* [7819.] As soon as such commission shall have entered into any contract for the furnishing of text-books for use in the public schools of this state, pursuant to the provisions of this act, the state superintendent of public instruction shall notify the governor of such fact, and it shall be the duty of the governor to issue his proclamation announcing such fact to the people of the state, and immediately after the issuing of such proclamation by the governor it shall be the duty of the state superintendent of public instruction to notify the county superintendents of the various counties of this state of the books agreed upon and selected, together with the contract prices thereof. (Laws 1897, ch. 179, sec. 10.)

SEC. 552. *Dealers to Establish Agencies.* [7820.] Within thirty days after the issuing of the proclamation by the governor of this state provided for in this act, any person, persons, company or corporation, having contracted for the furnishing of school text-books to the people of this state for use in the public schools thereof, shall arrange with at least one dealer or agent at the county-seat in each county of this state, and in each city of the first, second and third class in this state, for the handling, sale and exchange of the school-books provided for in this act.[189] Such dealer or agent shall

189. The contractor is required to consign the books to such agencies. The law does not require the agent to purchase the books from the contractor, but he is to hold the same on consignment.

be allowed to charge the people of this state a commission not exceeding ten per cent on the contract price established in this act for the handling and sale of such books; provided, that any person, company or corporation having a contract under the provisions of this act shall be required to furnish books to any citizen or school district in Kansas at the same price and on the same terms as provided for the furnishing of such books to dealers or agents in cash orders of not less than ten dollars each, and deliver the same at any railroad station in Kansas mentioned in such order. (Laws 1909, ch. 68, sec. 1.)

SEC. 553. *Estimates.* [7821.] At the annual school meeting to be held in the various school districts in this state in 1897, and at each annual meeting thereafter, and at the meeting of the board of education of cities of the first or second class, an estimate shall be made of the number of school text-books needed in each of said schools for the term next commencing therein, and the clerk of each school district, and the clerk of the board of education in each city of the first or second class, shall report the same to the county superintendent of public instruction immediately, and not later than the 1st day of August next thereafter; and the county superintendent of public instruction shall, as soon as possible, and not later than August 10 of each year, and oftener if the necessity of the schools require it, make out his requisition from the reports so received, and from other sources, and send it to the school-book publisher or publishers having contracts under the provisions of this act, stating therein the number of books of each kind needed for the schools of such county. (Laws 1897, ch. 179, sec. 12.)

SEC. 554. *District Ownership.* [7822.] At any annual school meeting of any school district in this state, or at any regular election in cities of the first or second class, a proposal may be submitted to the district or city of the first or second class, as the case may be, to purchase, own and furnish school text-books as provided for in this act for use in the public schools thereof, free of charge to the pupils of said school district, or cities of the first or second class; and if it shall be found that a majority of the legal electors in said school district or city of the first or second class shall have voted in favor of district ownership, then it shall become the duty of the school board or board of education in cities of the first and second class to purchase, furnish and supply the pupils of the said district or city of the first or second class, under such provisions and regulations as may be prescribed by the school-district board, or board of education in cities of the first or second class, such text-books as may be found necessary, as provided for in this act; and for the purpose of carrying out the provisions of this section the school board and the board of education of cities of

the first or second class are hereby empowered to pay for the same out of any incidental funds in their hands belonging to such district or city. (Laws 1909, ch. 216, sec. 1.)

SEC. 555. *Violation of Contract.* [7823.] Upon the filing of a written complaint with the state superintendent of public instruction, by the county superintendent of public instruction of any county in this state, or superintendent of schools of any city of the first or second class, charging any publisher or publishers, person, company or corporation with violating the conditions of said contract as is provided for in this act, the attorney-general is hereby instructed, and it shall be his duty, to investigate the same, and if he finds probable cause for action, he shall immediately begin proceedings in the name of the state to enforce the penalties of the bond or bonds provided for in this act; provided, that in all actions brought by the attorney-general under the provisions of this act no security for costs shall be required. (Laws 1897, ch. 179, sec. 14.)

SEC. 556. *Term of Contract.* [7824.] Every contract with any person, company or corporation, publisher or publishers of the school text-books for use in the schools of this state shall be for five years from the date thereof; and no school-district board or board of education of any city of the first or second class shall adopt, use, or permit to be used any other school text-books than those provided for in this act; provided, that nothing herein contained shall be construed to prevent the teachers and pupils of this state from using any school text-book other than those provided for in this act as reference books in such schools; and provided further, that nothing herein contained shall be construed to apply to the use of school-books in branches other than those mentioned in this act, nor shall anything herein be construed to apply to counties now under contract for county uniformity of text-books, until said contract or contracts shall have expired, or with school districts or cities of the first or second class having such contract until such contract shall have expired according to the terms which have been agreed to in writing; and provided, at the expiration of such contracts such counties, school districts and cities of the first or second class shall thereafter be governed by the provisions of this act. (Laws 1897, ch. 179, sec. 15.)

SEC. 557. *Blanks.* [7825.] It shall be the duty of the attorney-general of the state to furnish blank contracts to the state superintendent of public instruction for the purpose of carrying out the provisions of this act. (Laws 1897, ch. 179, sec. 16.)

SEC. 558. *Advertise for Bids.* [7826.] It shall be the duty of the superintendent of public instruction of this state, so soon as this law goes into effect, to advertise in the official

state paper, for at least four consecutive weeks, for bids and proposals as provided for in section 5 of this act.[190] (Laws 1897, ch. 179, sec. 17.)

SEC. 559. *Special Meetings.* [7827.] Special meetings of this commission may be held at any time on the call of the state superintendent of public instruction; provided, that the first session of this commission shall not continue longer than ten days, and no special session any longer than four days. (Laws 1897, ch. 179, sec. 18.)

SEC. 560. *Vacancy.* [7828.] If any member of this commission should die, or resign, or become in any way incapacitated for serving on such commission, the vacancy thereby created shall be filled by appointment made by the governor of the state; provided, that such vacancy always shall be filled from the same political party to which the person so removed belonged. (Laws 1897, ch. 179, sec. 19.)

SEC. 561. *Oath.* [7829.] No member of this commission shall enter upon the discharge of his duties, until he has taken and subscribed to an oath to support the constitution of the United States, the constitution of the state of Kansas, and honestly and faithfully fulfil and discharge the duties of his office according to law. (Laws 1897, ch. 179, sec. 20.)

SEC. 562. *Penalties.* [7830.] Any person, or persons, who shall directly or indirectly demand or receive any money, promise, or any other thing of value for any book or books provided for in this act, in excess of the contract price, together with ten per cent herein provided for for dealers or agents, and any member of any such district board, or any member of any school board in any city of the first or second class, or any teacher of any school who shall adopt, use or permit to be used, or cause to be used in any public school of this state, any other text-book or books than those provided for in this act, shall be deemed guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction shall be fined in any sum not less than $25 or more than $100, or by imprisonment in the county jail not to exceed ninety days, or by both such fine and imprisonment; provided, that in estimating the price at which the dealer or agent may sell books under the provisions of this act, the total amount of each sale shall not vary to exceed one-half of one cent above the contract price, plus ten per cent provided for herein. (Laws 1897, ch. 179, sec. 21.)

SEC. 563. *Commission; Penalty for Violation.* [7831.] Any member of the commission herein established violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than $100 nor more than $500 and be imprisoned in the county

190. Section 546 of this book.

jail for a term not less than one year, and upon conviction shall forfeit his office. (Laws 1897, ch. 179, sec. 22.)

SEC. 564. *Appropriation.* [7832.] For the purpose of paying mileage and per diem to the members of this commission, printer's fees, postage and expense of meetings, there is hereby appropriated out of any money in the treasury not otherwise appropriated the sum of $2500, or so much thereof as shall be necessary to carry out the provisions of this act. The auditor of state is hereby authorized to draw his warrant on the state treasurer for the amount of per diem and compensation due to each member of said commission or to parties performing services under the provisions of this act; and provided further, the sum of $10,000, or so much thereof as may be needed, is appropriated out of any money in the state treasury not otherwise appropriated, to buy manuscript under the provisions of this act, should it become necessary for the purchase of such manuscript as provided in this act, and the state treasurer is thereupon directed to pay such warrant; provided, such accounts be verified as provided in other cases and approved by the state superintendent of public instruction. (Laws 1897, ch. 179, sec. 23.)

SEC. 565. *Additional Texts.* [7833.] The School Text-book Commission provided for in chapter 179, Laws of 1897, shall be authorized and empowered, and it is hereby made their duty, to adopt uniform school text-books for use in the public schools of the state of Kansas in the following branches, to wit: A primer, a primary reading chart, and a graded series of drawing-books or drawing portfolios, geometry (the work to include both plane and solid geometry), Latin grammar, Latin exercises, Cæsar, Cicero, Virgil, general history, history of Kansas, English history, rhetoric, English literature, botany, zoölogy, chemistry, word analysis, geology, German exercises, German grammar, and descriptive astronomy; provided, however, that no books shall be adopted by this commission that do not equal in subject-matter, material, binding, and mechanical execution, and approximately equal in size, the following books, viz.: The primer, to Werner's Primer, and to contain not less than ninety-six pages, including colored illustrations and number lessons; the drawing-books or drawing portfolios, to Walter's Industrial Drawing; reading chart, to Wooster's Primary Reading Chart; the geometry (the work to include both plane and solid geometry), to Phillips and Fisher's Elements of Geometry (abridged); the Latin grammar, to Harkness's Latin Grammar; the Latin exercises, to Collar and Daniel's First Latin Book; the Cæsar, to Harkness's Cæsar; the Cicero, to Allen and Greenough's Cicero; the Virgil, to Harper and Miller's Virgil's Æneid; the general history, to Myers's General History; the English his-

tory, to Montgomery's English History; the rhetoric, to Genung's Elements of Rhetoric; English literature, to Shaw's Outline to English and American Literature; the botany, to Bergen's Elements of Botany; zoölogy, to Packard's Elements of Zoölogy; chemistry, to Shepard's Inorganic Chemistry; geology, to Dana's Text-book of Geology (Rice); word analysis, to Swinton's Word Analysis; German exercises, to Collar-Eysenbach's German Lessons; German grammar, to Otto's German Conversation Grammar; descriptive astronomy, to Todd's Astronomy. (Laws 1899, ch. 176, sec. 1.)

SEC. 566. *Prices.* [7834.] Said commission shall in no case contract with any author, publisher or publishers for the furnishing of any book or books, manuscript or copyright of book or books, which are to be sold to the people of this state for use in the public schools at a price above or in excess of the following, which price shall include all cost and charges of packing, transportation and delivering of books to the retail dealers and purchasers in the state of Kansas: For the primer, 12 cents; for the drawing-books or portfolios, 10 cents; for the geometry, 80 cents; for the Latin grammar, 75 cents; for the Latin exercises, 60 cents; for the Cæsar, 75 cents; for the Cicero, 75 cents; for the Virgil, 75 cents; for the general history, 90 cents; for the English history, 75 cents; history of Kansas, consisting of at least 300 pages, at a cost not to exceed 60 cents; for the rhetoric, 75 cents; for the astronomy, 70 cents; for the German exercises, 70 cents; for the German grammar, 80 cents; for the English literature, 75 cents; for the botany, 75 cents; for the zoölogy, 80 cents; for the chemistry, 75 cents; for the geology, 80 cents; for the word analysis, 20 cents; provided, however, that retail dealers shall be entitled to add ten per cent to the above-stated prices as profit for handling and sale of the books adopted by the commission in compliance with the provisions of this act. (Laws 1899, ch. 176, sec. 2.)

SEC. 567. *Advertising for Bids.* [7835.] The method of advertising for bids, of receiving bids, the requirements of bidders, the opening of bids, the awarding and duration of contracts, the filing and approval of bonds on the part of any person, persons, firm or corporation who may desire to bid or to whom a contract is awarded under this act, the delivering of books to dealers or purchasers and the commission for dealers shall be the same as is provided in chapter 179, Laws of 1897.[191] (Laws 1899, ch. 176, sec. 3.)

SEC. 568. *Unlawful to Sell.* [7552.] It shall be unlawful for any person to sell to any school board or board of education in the state of Kansas or to solicit the purchase by any school-district board or board of education of any chart, map, globe, or other school apparatus, except scientific apparatus

191. See section 546 of this book.

for high schools, unless the same shall have been submitted to the School Text-book Commission of the state of Kansas, and by them approved and a maximum price fixed therefor. (Laws 1901, ch. 308, sec. 1.)

SEC. 569. *Penalty.* [7553.] Any person who shall sell to any school-district board or board of education of any city of the first or second class within the state of Kansas any chart, map, globe, or other school apparatus, except scientific apparatus for high schools, which has not been approved by the School Text-book Commission of the state of Kansas, and any person who shall request or endeavor to persuade any such school-district board or board of education, or any member thereof, to purchase any chart, map, globe or other school apparatus the sale of which is hereby prohibited, shall be guilty of a misdemeanor, and subject to a fine of not exceeding $200 for each offense. (Laws 1901, ch. 308, sec. 2.)

SEC. 570. *Maps, Globes, Charts, and Other Apparatus.* [7836.] It shall be unlawful for any school-district board or board of education of any city of the first or second class to purchase or contract for any chart, map, globe, or other school apparatus, except scientific apparatus for high schools, unless the same shall have been submitted to the School Text-book Commission at a regular or special session, and by them approved, and a maximum price therefor fixed by said School Text-book Commission.[192] (Laws 1899, ch. 176, sec. 4.)

SEC. 571. *Penalties.* [7837.] The punishment for the violation of the provisions of this act, or of any contract in pursuance thereof, or for the use of any book in the schools not provided for by the commission in pursuance of this act, whether on the part of the commission or any member thereof, or any school board or board of education or member thereof, or of any teacher, shall be the same as prescribed in chapter 179, Laws of 1897; provided, that nothing in this act shall be construed to apply to any book used as a book of reference. (Laws 1899, ch. 176, sec. 5.)

SEC. 572. *Meetings.* [7838.] The School Text-book Commission shall meet in regular session on the first Monday in May, 1899, said session to continue not longer than ten days, and special meetings may be held as provided in chapter 179 of the Session Laws of 1897, of which this act is supplemental.[193] (Laws 1899, ch. 176, sec. 6.)

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192. The law does not apply to the purchase of school furniture, reference books, or dictionaries.

193. See section 559 of this book.

CHAPTER XXXV.—TOBACCO AND CIGARETTES.

§573. Unlawful to sell or give away cigarettes or cigarette papers.
574. Penalty for smoking, using or furnishing cigarettes or tobacco.
§575. Penalty for selling or giving away cigarettes or tobacco.

SECTION 573. *Unlawful to Sell or Give Away Cigarettes or Cigarette Papers.* [2930.] It shall be unlawful for any person, company or corporation to sell or give away any cigarettes or cigarette papers or to have any cigarettes or cigarette papers in or about any store or other place for free distribution or sale. (Laws 1909, ch. 257, sec. 1.)

SEC. 574. *Penalty for Smoking or Using or Furnishing Cigarettes or Tobacco.* [2931.] Every minor person who shall smoke or use cigarettes, cigars or tobacco in any form on any public road, street, alley, park or other lands used for public purposes, or in any public place of business, shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine of not more than ten dollars, and every person who shall furnish cigarettes, cigars or tobacco in any form to such minor person, or who shall permit such minor person to frequent any premises owned, held or managed by him, for the purpose of indulging in the use of cigarettes, cigars or tobacco in any form, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25 nor more than $100. (Laws 1909, ch. 257, sec. 2.)

SEC. 575. *Penalty for Selling or Giving Away Cigarettes or Tobacco.* [2932.] Every person, company or corporation violating any of the provisions of section 1 of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than $25 nor more than $100. (Laws 1909, ch. 257, sec. 3.)

CHAPTER XXXVI.—WARRANTS AND BONDS LOST AND DESTROYED.

§576. Duplicates may be issued.
577. Mutilated warrant or bond.
578. Affidavit and bond.
§579. Correspond with original.
580. Record of duplicates.

SECTION 576. *Duplicate May be Issued.* [638.] Whenever any bond or warrant of the state or territory of Kansas, or any county, city, township, or school district, shall become so far mutilated as to become unfit for circulation, or shall be lost or destroyed, a duplicate thereof may be issued by the officer authorized by law to issue such bonds or warrants, under the regulations and restrictions hereinafter prescribed. (G. S. 1868, ch. 15, sec. 1.)

SEC. 577. *Mutilated Warrant or Bond.* [640.] On the delivery to the proper officer of any mutilated bond or warrant, a duplicate of such bond or warrant shall be issued as herein provided. (G. S. 1868, ch. 15, sec. 3.)

SEC. 578. *Affidavit and Bond.* [561.] A duplicate for a lost or destroyed bond or warrant shall not be issued until there shall have been filed with the proper officer an affidavit of some person knowing the facts, setting forth the ownership of such bond, the description thereof, the number of coupons thereto attached, and the manner of its loss or destruction, and until there shall have been executed and filed with the same officer an indemnifying bond, with securities to be approved by such officer, in a sum equal to double the amount of such warrant or bond and the coupons attached, conditioned that the parties thereto shall pay all damages which the state, county, city, township, or school district, as the case may be, may sustain if compelled to pay such lost or destroyed bonds or coupons. (G. S. 1868, ch. 15, sec. 4.)

SEC. 579. *Correspond with Original.* [639.] Such duplicate shall correspond, in number, date, amount and coupons, with the original bond or warrant, and shall have indorsed on its face, and on the face of each coupon, by the officer issuing the same, the word "Duplicate," together with the date of its issuance. (G. S. 1868, ch. 15, sec. 2.)

SEC. 580. *Record of Duplicates.* [642.] Any officer issuing duplicates under this act shall keep a record showing the numbers, dates and amounts of such mutilated, lost or destroyed bonds or warrants, and the number of coupons thereto attached, together with the date of issuance of the duplicate therefor, and the names of the persons to whom issued. (G. S. 1868, ch. 15, sec. 5.)

CHAPTER XXXVII.—WARRANTS, REGISTRATION OF.

§581. How and to whom drawn.
582. Shall be sworn to before.
583. Shall be signed by and attested by.
584. Record of all warrants.
585. All warrants countersigned by.
§586. Payment of warrants.
587. Indorsed when no funds.
588. Publication of lists.
589. Delivery of books to successor.
590. Penalty.

SECTION 581. *How and to Whom Drawn.* [7263.] All warrants shall be drawn to the order of the person or persons entitled to receive the same, and shall specify the nature of the claim or service for which they were issued and out of what funds payable; and the term "warrants," as used in this act, shall be understood to include all orders of any kind or description authorized by law to be drawn on public treasurers for money payments. (Laws 1891, ch. 249, sec. 1.)

SEC. 582. *Sworn to.* [7264.] No warrants shall be issued except under due authority as provided by law; and no warrants shall be issued or authorized by any board of county commissioners, city council, township board, school-district board, or board of education, except on audited account duly itemized in writing and verified by affidavit, setting forth that the same is just and correct and remains due and unpaid; and for the purpose of such affidavit, the chairman of the county board, the mayor of the city, the township trustee, the director of the school district, and the president of the board of education, and the respective clerks thereof, shall have power to administer oaths. (Laws 1891, ch. 249, sec. 2.)

SEC. 583. *Signed and Attested.* [7265.] County warrants shall be signed by the chairman of the board of county commissioners, and attested by the clerk; city warrants shall be signed by the mayor, and attested by the city clerk; township warrants shall be signed by the township trustee, and attested by the township clerk; school-district warrants shall be signed by the director, and attested by the clerk; board of education warrants shall be signed by the president, and attested by the clerk. (Laws 1891, ch. 249, sec. 3.)

SEC. 584. *Record.* [7266.] The clerk of every county, township, city, school district, or board of education shall keep a correct record of all warrants drawn on the treasury of such county, township, city, school district, or board of education, showing the number, date and amount thereof, on what fund drawn, and the name of the person or persons to whom the same are made payable. (Laws 1891, ch. 249, sec. 4.)

SEC. 585. *Countersigned.* [7267.] Before delivering any warrant to the person or persons for whose benefit the same is drawn, the clerk shall present the same to the treasurer,

who shall enter, in a book by him kept for that purpose, the number, date and amount of such warrant, on what fund drawn, and the name of the payee, and thereupon countersign the warrant upon the face thereof. (Laws 1891, ch. 249, sec. 5.)

SEC. 586. *Payment.* [7268.] It shall be the duty of the treasurer of any county, city, township, school district or board of education to pay on presentation any warrant properly drawn on any fund in his custody by virtue of his office, and, when paid, write across the face of such warrant the word "Paid" in red ink, and sign the same; provided, that there is sufficient money in his possession belonging to the fund upon which such warrant is drawn to pay the same. (Laws 1891, ch. 249, sec. 6.)

SEC. 587. *Indorsed.* [7269.] In case there is not sufficient money in the hands of such treasurer to pay any warrant when presented, he shall indorse thereon a proper registered number, in the regular order of its presentation, and the words, "Presented and not paid for want of funds,"[194] with date, and sign said indorsement; and he shall record in his warrant register the number, amount and date of all such warrants, to whom payable, and the date when presented for payment, and their registered number as indorsed thereon, and such warrants shall be paid in the order of their presentation as shown by such register; and no warrants shall be received for taxes by any county treasurer unless he shall have in cash a sufficient sum to redeem all warrants having such priority over the warrants so offered for taxes. (Laws 1891, ch. 249, sec. 7.)

SEC. 588. *Publication of Lists.* [7270.] It shall be the duty of any treasurer, whenever any money comes into his hands by virtue of his office, to set apart a sufficient sum to pay any or all warrants that have been registered in compliance with the provisions of this act, and to keep the same until called for; and it shall be the duty of every county, township and school-district treasurer to publish in the official county paper, and of every city treasurer and board of education to publish in the official city paper, between the 1st and 15th days of February and August in each year, a call for the redemption of such warrants as he can pay, describing the warrants by giving their issue number, register number, and amount; and interest shall cease on each of said warrants on and after such publication. (Laws 1891, ch. 249, sec. 8.)

SEC. 589. *Books Delivered.* [7271.] Every county, city and township treasurer and every treasurer of a school district or board of education shall, upon the expiration of his term of office, deliver to his successor the warrant register containing

194. Such warrants bear six per cent interest until paid.

the list of warrants originally recorded and countersigned, and presented and registered, who shall in all things act as though the entries of such warrants were made by himself. (Laws 1891, ch. 249, sec. 9.)

SEC. 590. *Penalty.* [7272.] Any officer of any county, city, township, school district or board of education who shall sign or attest any warrant not duly authorized by the proper board or city council, and any treasurer who shall countersign any warrant not theretofore signed and attested by the proper officers as required in this act, shall be liable to the county, city, township, school district or board of education in the sum of such warrant; and any such officer who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than $50 nor more than $500. (Laws 1891, ch. 249, sec. 10.)

CHAPTER XXXVIII.—WATER-CLOSETS.

SECTION 591. *Building and Maintaining.* [7747.] That the school boards and boards of education having supervision over any school district in this state shall provide and maintain suitable and convenient water-closets for each of the schools under their charge or supervision. There shall be at least two in number, which shall be entirely separate from each other. It shall be the duty of the officers aforesaid to see that the same are kept in a neat and wholesome condition; and failure to comply with the provisions of this act by the aforesaid officers shall be grounds for their removal from office. (Laws 1891, ch. 197, sec. 1.)

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to whom drawn	203	581
Warrants or bonds lost or destroyed:		
duplicate issued	202	576
duplicate same as original	202	579
duplicate recorded	202	580
officer delivered to	202	578
Washington's birthday	133	369
Wages, teachers':		
contract shall state	84	209
paid for last month of school only after report has been made,	45	91
	85	212
Who must attend school	42	87
Water-closets	206	591

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